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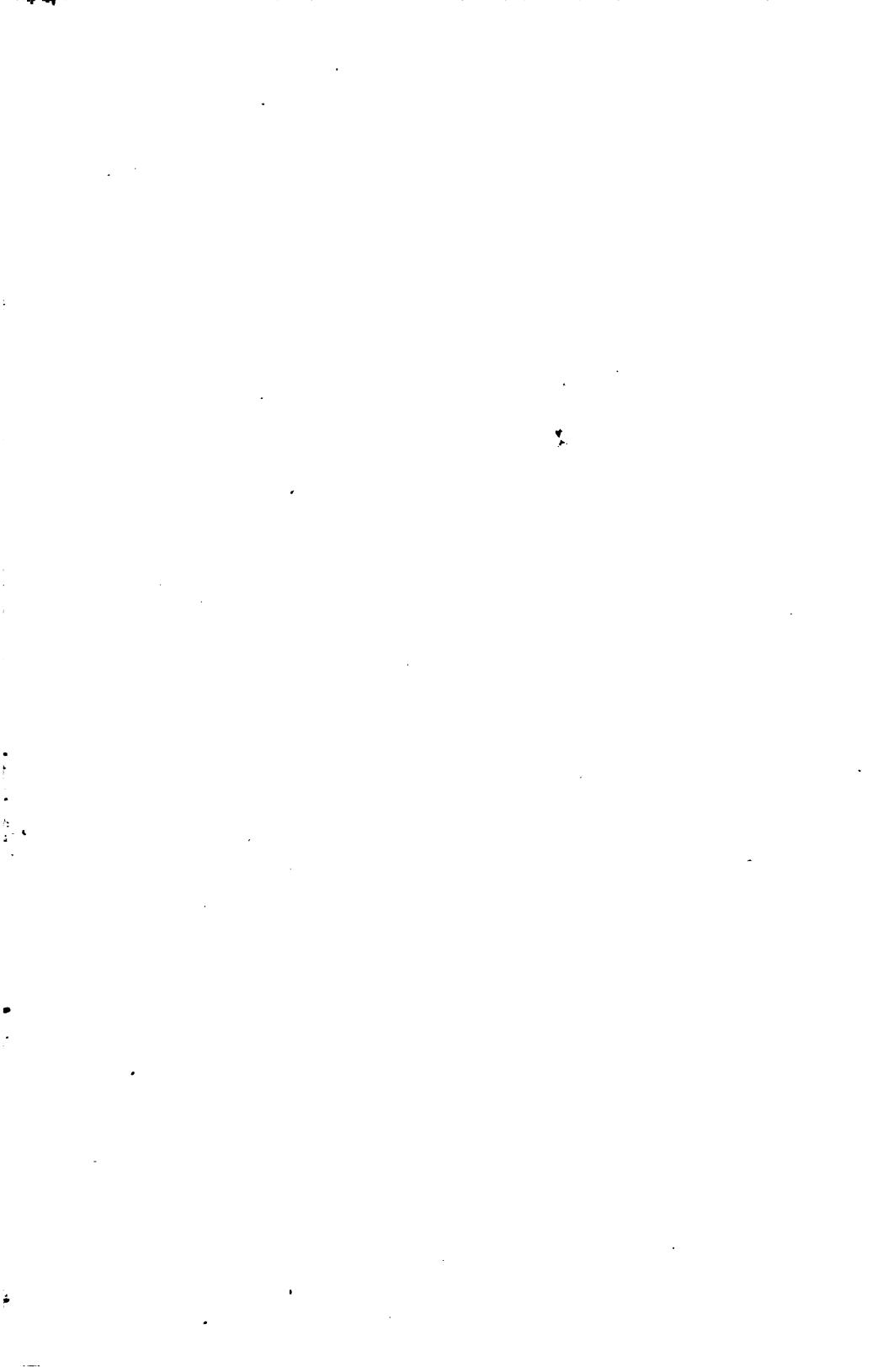
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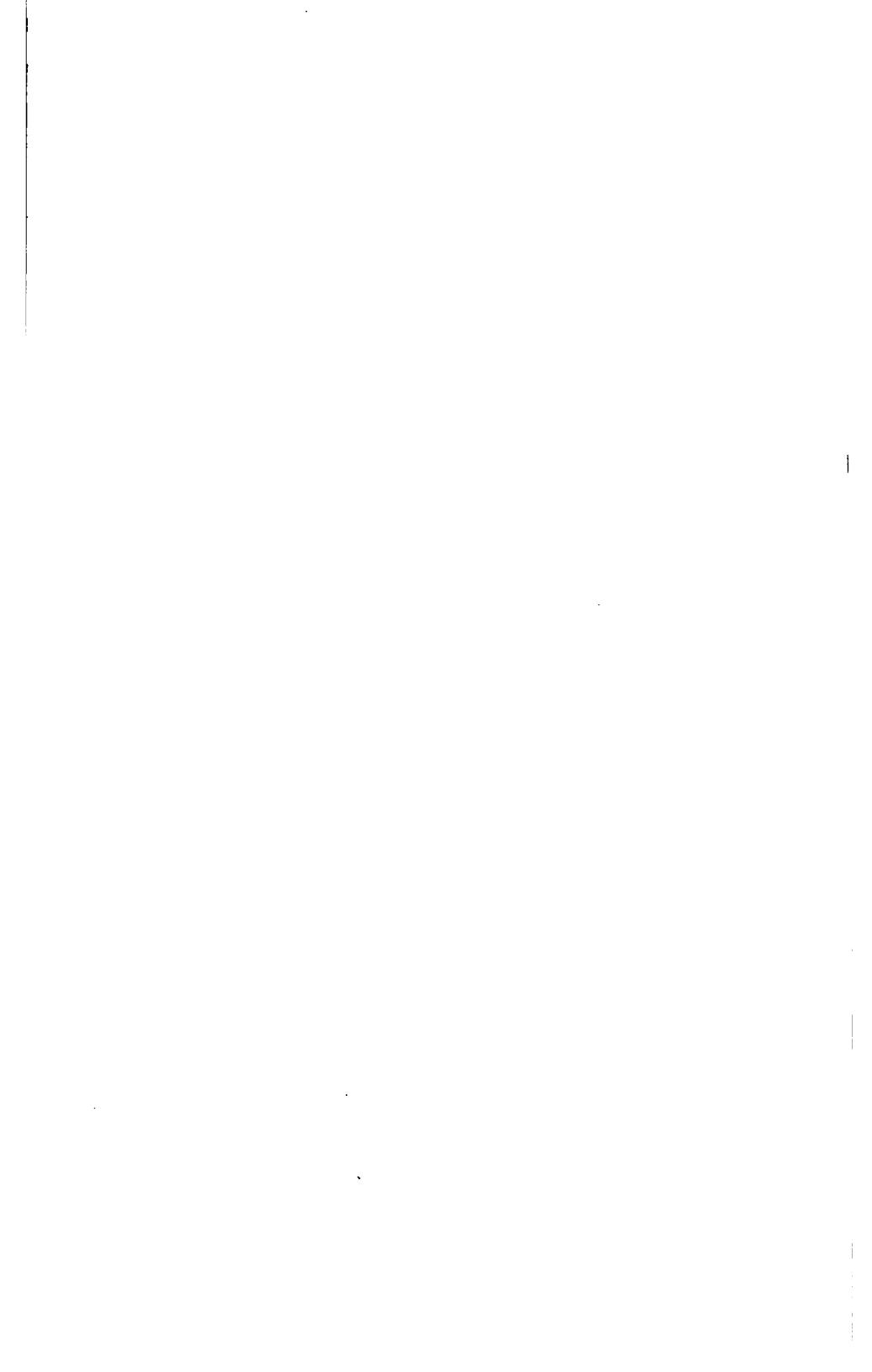
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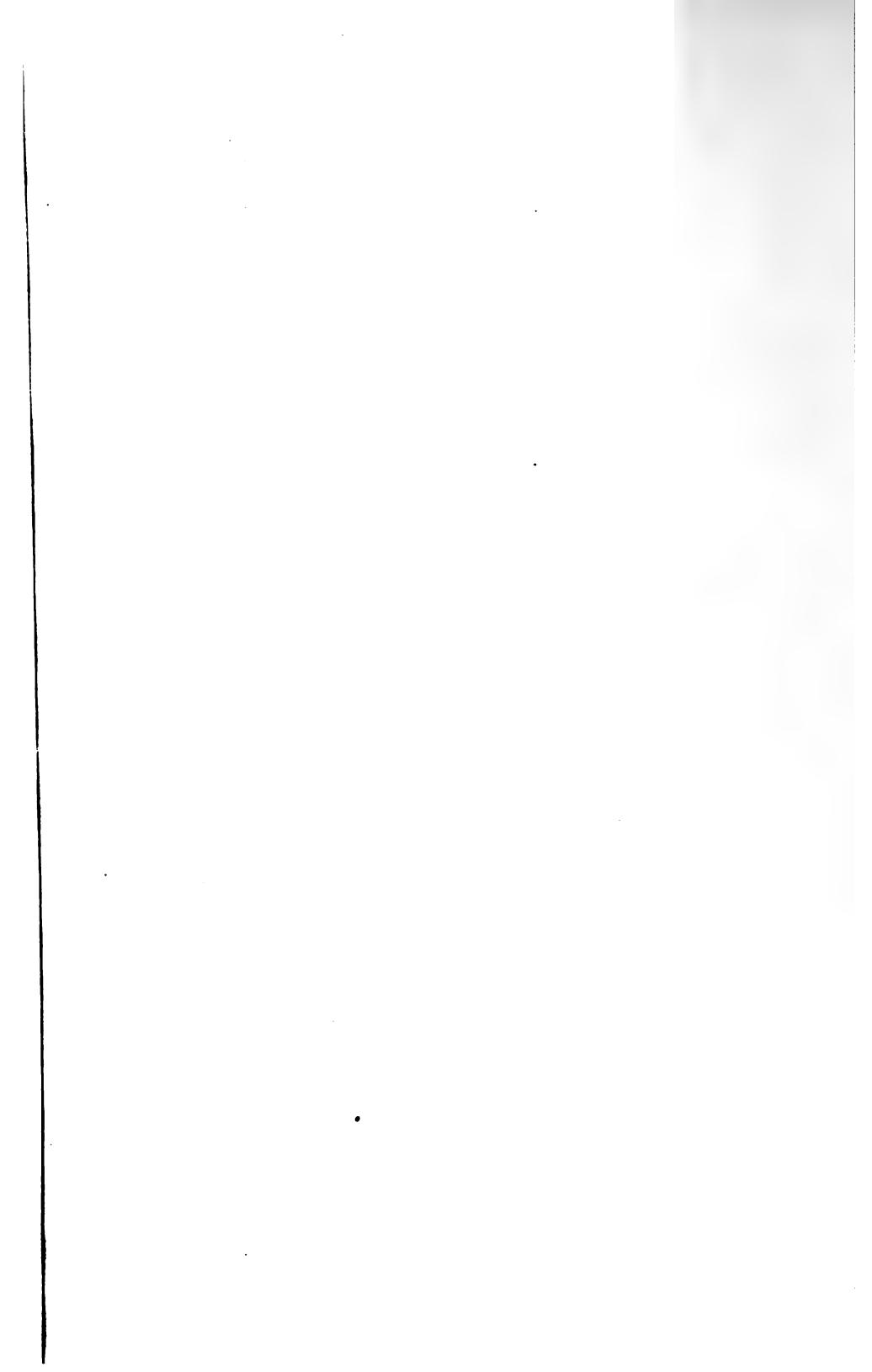
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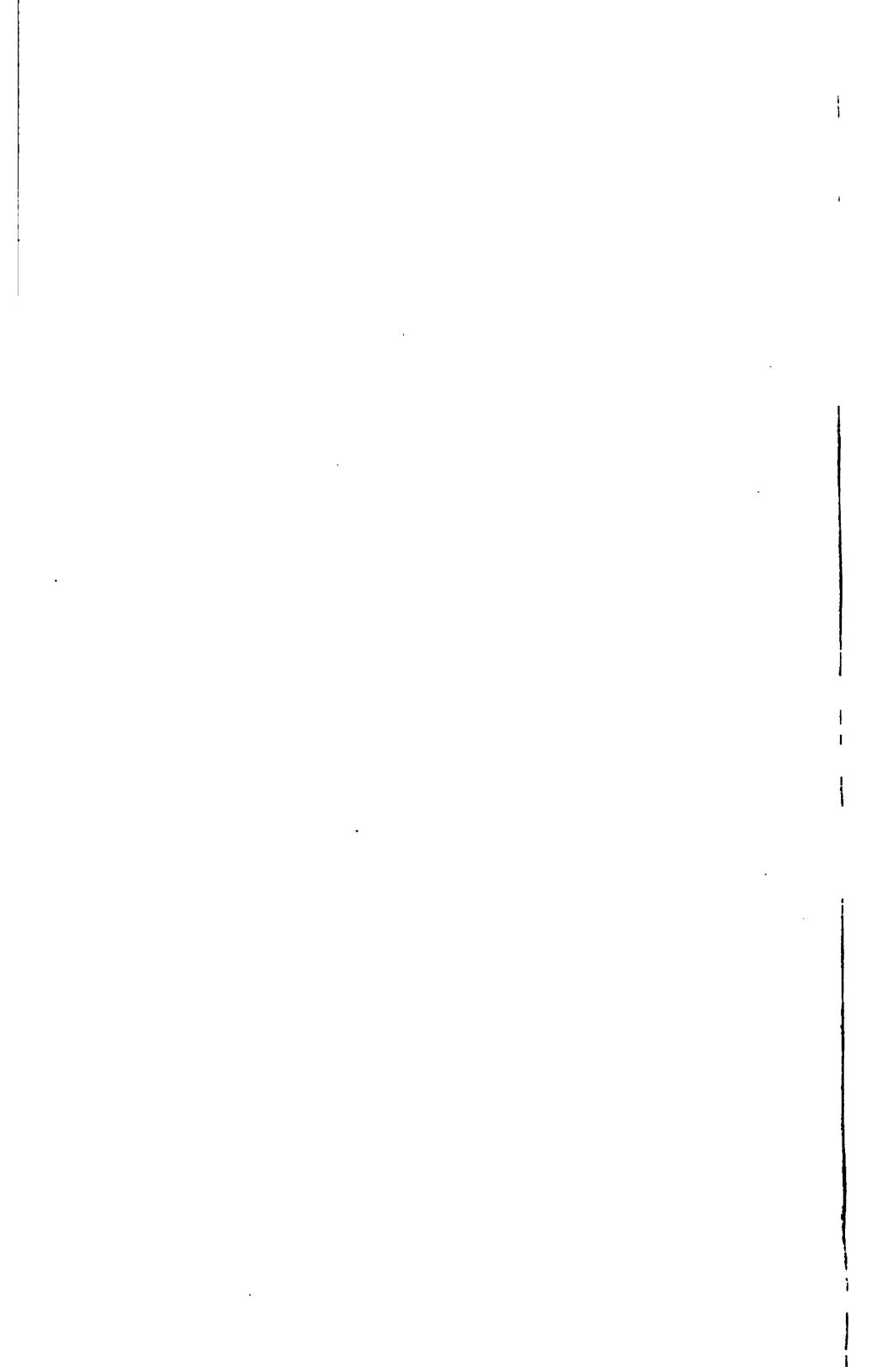


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Clarendon Press Series

LIVY, BOOK I

WITH INTRODUCTION  
HISTORICAL EXAMINATION  
AND NOTES

BY

J. R. SEELEY, M.A.

*Regius Professor of Modern History, Cambridge*

Third Edition

Oxford

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## PREFACE TO THE FIRST EDITION.

THE Edition of the first decad of Livy, of which I now publish the first instalment, is intended to put the reader in possession of the information necessary for forming a judgment not only about the meaning but also about the truth and value of what Livy says. In other words, it comprises a historical as well as a philological commentary.

The reader will, therefore, be prepared to find the quantity of annotation somewhat large, and may even not refuse to believe me when I assure him that I have studied compression throughout.

Nevertheless, it is the first book of the decad more than any later one that presents difficulties to the historical student, for it is the first book that suggests the principal questions which have occupied so many scholars since Niebuhr's time. I expect to be able to elucidate the rest of the decad as fully by means of a much shorter commentary.

I have found it possible to throw my historical elucidation of this book into the form of a continuous essay, which will bear to be read by itself. It will be found, however, that I have not wandered from my author's text in order to do this, but that every section of the Historical Examination is a commentary upon some definite passage or passages of it.

Questions which the text does not suggest are, therefore, passed over, even such as I should have discussed at length had I been merely writing an essay on the regal period of Rome. For instance, the vexed question of the clients is reserved for

the next volume. The patricians are discussed here because Livy discusses them; but as the plebs remains quite in the background throughout the first book, I have refrained as much as possible from discussing it.

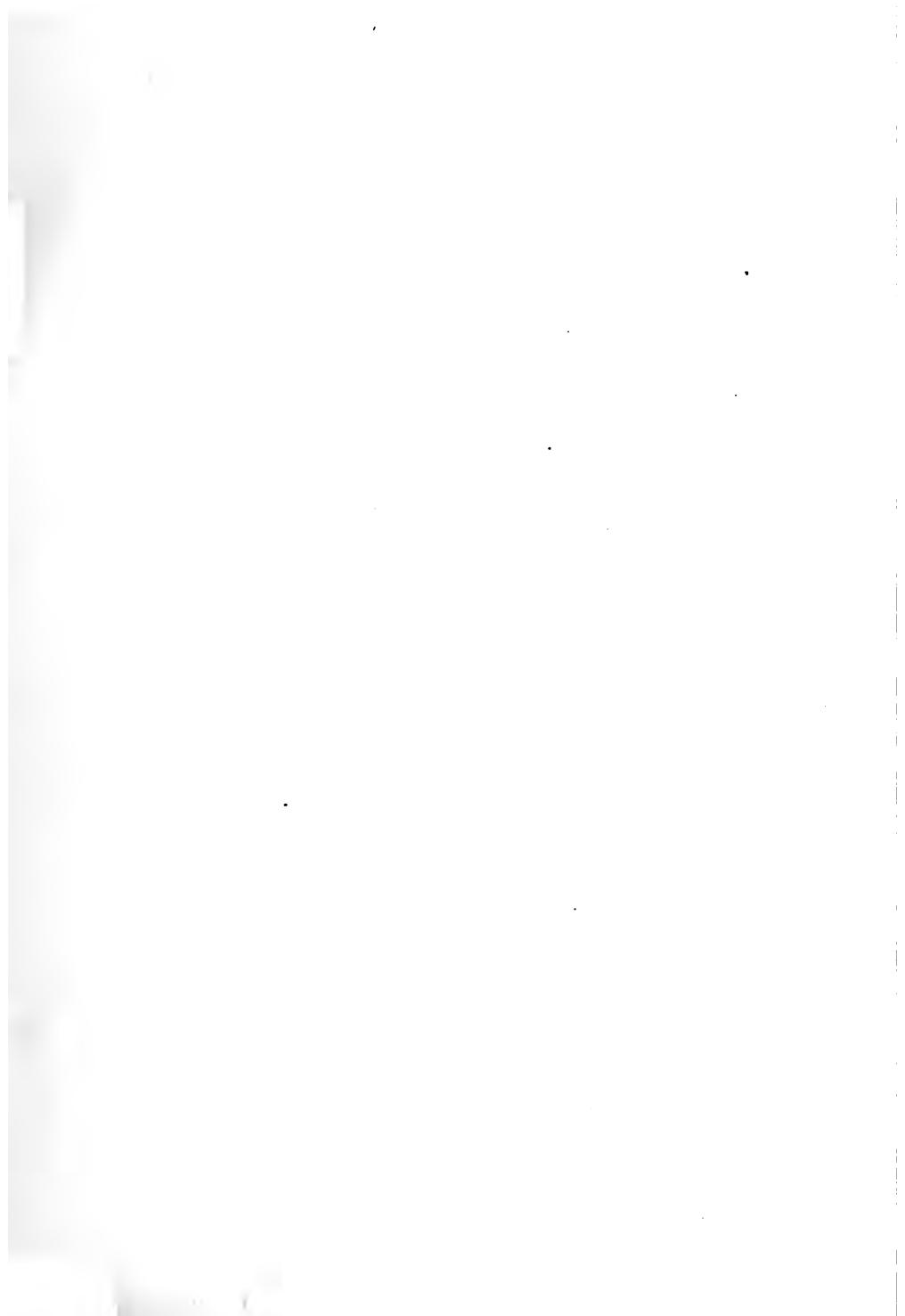
I have to acknowledge valuable help received from the Dean of Christ Church and from Mr. Max Cullinan, Fellow of Christ's College, Cambridge.

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#### PREFACE TO THE SECOND EDITION.

THE alterations made in this edition are confined to the grammatical notes, but here they are not inconsiderable. A complete, accurate, and clearly-arranged account of the peculiarities of Livy's language has at last been given to the world by Dr. Ludwig Kühnast, in his book entitled 'Die Hauptpunkte der Livianischen Syntax' (Berlin, 1871). With this collection in our hands we proceed with quite a new feeling of confidence in the task of ascertaining this author's meaning and even of settling his text. It has enabled me to improve a great many of my notes by substituting for references to Latin Grammars, or statements of the general usage of Latin writers, statements of the Livian usage supported by lists of parallel passages from Livy himself.

## CONTENTS.



## INTRODUCTION.

**LIFE OF LIVY.** Of the life of Titus Livius very few facts are known to us. It is important to recognize this and to guard against the temptation to which many critics have yielded of creating a detailed narrative by loose inferences or by pure imagination. The statements we find will therefore here be considered separately, no attempt being made to weave them together.

*The Date of his Birth.* In Jerome's Latin translation of the *Chronicon* of Eusebius there are many additions made by the translator himself referring to Latin literary history. Among these we find it stated that Livy was born in Ol. 180. 2 according to Scaliger's Edition, Ol. 180. 4 according to Mai's Armenian Version. Ritschl (Parerg. Appendix) has shown that the statements contained in these annotations of Jerome's are founded on *Suetonius de Viris Illustribus* (a work of which the lives of *Grammatici*, *Rethores*, &c. printed in *Suetonius'* works form a fragment), but that they are often exceedingly untrustworthy inferences from those statements. If therefore *Suetonius* wrote lives of historians (on which point there has been a controversy between Ritschl and Mommsen) and among these of Livy, and in the life of Livy mentioned in what consulate he was born, Jerome's statement is authoritative; but as we do not know these facts, we can only say that probably or possibly Livy was born in B.C. 59 or 57.

*His Place of Birth.* This is established on good authority. The poet *Statius*, in congratulating a contemporary historian, says, 'Orsa Sallusti brevis et *Timavi Reddis alumnus*', and we read (Quint. Inst. Orat. 1. 5, 56; 8. 1, 3) that *Asinius Polio*, Livy's contemporary, found a certain *Patavinitas* in his style. *Martial*, too, where he says, 'Censemur Apona Livio suo tellus' (Ep. 1. 62, 3), seems to point to the same part of Italy. Later writers (Sid. Apoll. 2. 189, *Symmachus*, Ep. 4. 18, and Jerome, in the annotation above mentioned) call him *Patavine*.

Of the town of *Patavium*, now *Padua*, a brief history may be collected

from Livy himself. It was one of those towns which ascribed its origin to emigrants from the mysterious Troy (1. 1). The leader of this emigration is supposed to have been Antenor. It resisted the power of the Etruscans (5. 33), and, according to Polybius (2. 23), also that of the invading Gauls<sup>1</sup>. In B.C. 301 it repelled an invasion of the Spartan Cleonymus. At this time it is described as constantly at war with the neighbouring Gauls. Livy tells us that the spoils of the Spartans had remained in the temple of Juno at Patavium up to the lifetime of men who were living when he wrote, and that an annual sham fight of boats in memory of the battle still took place in the town (10. 2). There was a *seditio* in the town in B.C. 174, which was instantly quieted on the appearance of the consul (41. 27). For a long time after this we hear little of Patavium, nor do we hear anything of its fortunes in the earlier part of the revolutionary period. How it behaved in the civil wars of Marius and Sulla we do not know, nor which side it took in the conflict between Caesar and the aristocracy. Plutarch relates after Livy, that a certain Caius Cornelius, a friend of the historian, astonished the inhabitants of Patavium by predicting the battle of Pharsalia and the victory of Caesar; but whether the event pleased or grieved them he does not hint by a single word, though W. infers from the passage that the town took the aristocratic side<sup>2</sup>. After the death of Caesar in the war of Mutina, we do indeed find Patavium on the side of the senate. In the 12th Philippic (4. 10) we read, 'Et ut omittam reliquas partes Galliae, nam sunt omnes pares, Patavini alias excluderunt, alias ejecerunt missos ab Antonio: pecunia, militibus et, quod maxime deerat, armis nostros duces adjuverunt.' But that it would be delusive to infer from this that the Patavini were aristocratically disposed, will appear when we consider the confusion of political parties at that time. Though Antonius was a Caesarian, he was fighting to annul one of Caesar's acts. The senate was engaged to maintain that act, and Hirtius the consul, who commanded for the senate, was a leading Caesarian.

The question now arises, what was the size and character of the town of Patavium? We have the evidence of Strabo that it was among the most important towns of the Roman world. He places it above Mediolanum, Verona, and all the other towns of that part of Italy; speaks of its populousness, and the quantity of manufactured articles, particularly articles of dress, that it sent to Rome; and as a proof of the wealth of its inhabitants, mentions that it had been registered as

<sup>1</sup> Weissenborn strangely confuses these two statements together. This editor will be referred to for the future as W.

<sup>2</sup> In his German edition (Weidmann) the error is corrected.

containing 500 men of equestrian income (5. 1, 7); and in another passage, relating the same thing of Gades, he says, that of no town even in Italy, except Patavium, could the same be said (3. 5, 3). Finally, we read that the inhabitants of Patavium were celebrated for the strictness of their morals (Martial 11. 16, 8); Pliny (Ep. 1. 14) has, 'Nosti loci mores. Serrana tamen Patavinis quoque severitatis exemplum est.'

*Facts of Livy's life which are known to us.*

1. He had at least two children, a son and a daughter. We know that he had a daughter, because his son-in-law, L. Magius, is mentioned (M. Seneca<sup>1</sup> Contr. 10. 2); and that he had a son, because Quintilian quotes a letter of Livy's to his son, which seems to have been published (Inst. Or. 10. 1).

2. He wrote books on philosophy, and also dialogues, partly historical and partly philosophical. This is expressly testified by L. Seneca (Epp. 16. 5, 9): 'Scripsit enim et dialogos quos non magis philosophiae annumerare possis quam historiae et ex professo philosophiam continentis libros.' These half historical, half philosophical dialogues may perhaps have resembled Cicero's *Dialogue de Republica*: Hertz supposes them to have been of the same character as the *λογιστορικά* of Varro.

3. Some circumstances render it probable that he was a professed rhetor or teacher of rhetoric. In the first place, his son-in-law was a rhetor and owed his popularity as such mainly to his connection with Livy. This we learn from M. Seneca (Contr. 10. 2): 'Pertinere autem ad rem non puto quomodo L. Magius gener T. Livii declamaverit, quamvis aliquo tempore suum populum habuit, cum illum homines non in ipsius honorem laudarent, sed in socii ferrent.' This may mean that Livy's fame as an historian procured honour for his son-in-law's declamations, but it becomes more probable if we regard Magius as a rhetorician formed in Livy's school and expounding his views. Next, that Livy had such views, and that many maxims on rhetoric of which he was the author were in circulation, we know from some allusions to them in M. Seneca and Quintilian. They are as follows (Inst. Or. 8. 2. 18): 'In hoc malum [i. e. obscurity] etiam a quibusdam laboratur; neque id novum vitium est, cum jam apud T. Livium inveniam fuisse praeceptorem aliquem qui discipulos obscurare quae dicherent juberet, Graeco verbo utens, *σκότισσον*.' Again (Sen. Contr. 9. 26), 'Titus Livius de oratoribus qui verba antiqua et sordida consequantur et orationis obscuritatem severitatem putant, aiebat, Militiadem rhetorem eleganter dixisse ἐπὶ τῷ λεξικὸν μαίνονται.' Again (Contr. 9. 14), 'T. autem Livius tam iniquus Sallustio fuit ut hanc

<sup>1</sup> I have used the edition of Bursian, Leipzig, 1857.

## INTRODUCTION.

ipsam sententiam et tanquam translatam et tanquam corruptam dum transfertur, objiceret Sallustio. Nec hoc amore Thucydidis facit ut illum praeferat; laudat quem non timet et facilius putat posse a se Sallustium vinci si ante a Thucydide vincatur.' Again (Inst. Or. 10. 1. cf. 2. 5. 20), 'Fuerit igitur brevitas illa tutissima, quae est apud Livium in epistola ad filium scripta legendos Demosthenem atque Ciceronem, tum ita ut quisque Demostheni et Ciceroni simillimus.' This last passage makes it probable that Livy's letter to his son was on the subject of rhetoric, and that all these anecdotes and criticisms which are quoted by Seneca and Quintilian from Livy are quoted from this letter.

Putting all these passages together, observing that whenever Livy is referred to it is in connection with literary criticism and the profession of rhetoric, and remarking at the same time the rhetorical elaboration visible in the speeches in which his history abounds, we may consider it highly probable that he was one of that class of teachers of rhetoric who flourished especially in the age in which he lived, and one of whom, Marcus Seneca, is known to us by extant compositions, and has preserved to us the memory of some of his brothers in the profession.

4. He enjoyed great distinction in his lifetime. This appears from Pliny (Ep. 2. 3): 'Nunquamne legisti Gaditanum quendam, Titi Livii nomine gloriaque commotum ad visendum eum ab ultimo terrarum orbe venisse, statimque ut viderat abisse.' That he was known to Augustus appears from himself (4. 20), and from Tacitus (Ann. 4. 34), 'neque id amicitiae eorum offecit.' We are also told that he recommended the young Claudius, afterwards emperor, to apply himself to historical composition. 'Historiam in adolescentia, hortante T. Livio, Sulpicio vero Flavo etiam adjuvante, aggressus est.' Suet. Claud. 41.

5. He extolled Pompey, Brutus and Cassius, &c. So Tacitus (Ann. 4. 34), 'T. Livius eloquentiae ac fidei praeclarus in primis Gnaeum Pompeium tantis laudibus tulit ut Pompeianum eum Augustus appellaret; neque id amicitiae eorum offecit. Scipionem, Afranium, hunc ipsum Cassium, hunc Brutum nusquam latrones et parricidas, quae nunc vocabula imponuntur, saepe ut insignes viros nominat.' But this fact is transformed into something quite different by Hertz when he says, that as Patavium in the civil war took the republican side, it was natural that Livy should do the same. I have shown above that there is no proof that Patavium took the republican side; neither is there any proof that Livy was a republican further than in admiring the character of some leading republicans. Indeed that he was not a Pompeian is proved by this very passage, for there would have been no point in giving

him the epithet 'Pompeian' if it had expressed the simple fact. It was the policy of Augustus to identify himself, as far as possible, with the senate and to separate his cause from that of his uncle. Livy, in his treatment of Caesar's assassins, seems to have followed closely the fashion of the time. The court-poet Virgil has no word of praise when he speaks of Caesar (Aen. 6. 827-836), but ventures upon a lofty tribute to Cato (Aen. 8. 670). Undoubtedly Livy's heart was with the old republic (this is sufficiently apparent from his history), but he may have been sincerely loyal to the government of Augustus as a necessity; it was in this light that Augustus himself always wished his government to be regarded.

6. M. Seneca, who had the advantage of reading the complete work, remarks that Livy first made it a uniform practice to add a *character* of each celebrated man to the record of his death, and that these characters were distinguished by a generous fairness. 'Quoties magni alicujus [viri] mors ab historicis narrata est, toties fere consummatio totius vitae et quasi funebris laudatio redditur. Hoc semel aut iterum a Thucydide factum, item in paucissimis personis usurpatum a Sallustio, T. Livius benignius omnibus magnis viris praestitit: sequentes historici multo id effusius fecerunt. . . . Ut est natura candidissimus omnium magnorum ingeniorum aestimator T. Livius, plenissimum Ciceroni testimonium reddidit' (Suas. 21. 22).

7. Finally, we are told by Jerome that Livy died at Patavium Ol. 199. 1, that is, A.D. 17.

I pass to the question of the date of the composition of his history, on which we have only internal evidence. In 1. 19, he says, 'Bis deinde post Numae regnum clausus fuit, semel T. Manlio consule post Punicum primum confectum bellum, iterum quod nostrae aetati dii dederunt ut videremus post bellum Actiacum ab imperatore Caesare Augusto pace terra marique parta.' This passage could not have been written as it stands before B.C. 27, when the title of Augustus was conferred on Octavianus; it could not have been written at all before 29, when the temple of Janus was closed by Octavianus.

But Suetonius says, 'Janum Quirinum . . . terra marique pace parta ter clusit.' Oct. 22. And Dio Cassius says, the second time was after the conquest of the Cantabrians, that is, in B.C. 25. Hence the passage could not have been written later than B.C. 25. The allusion in the preface to the miseries of the age exactly suits this period, which immediately followed a civil war.

On the other hand, the words in 28. 12—'itaque ergo prima Romanis inita provinciarum, quae quidem continentis sint, postrema omnium nostra demum aetate ductu auspicioque Augusti Caesaris perdomita

est'—could not have been accurately written before B.C. 19, when Agrippa completed the conquest of Spain, and the word 'auspicio' seems to hint that Augustus was not present in person. We must therefore suppose, what *a priori* is probable, that the history was published in parts. There are however two passages which have been quoted by Niebuhr from the first decad to show that it was written much later.

(1) 9. 36, 'Silva erat Ciminia magis tum invia atque horrenda quam nuper fuere Germanici saltus, nulli ad eam diem ne mercatorum quidem adita.' Here the allusion is supposed by Niebuhr to be to the German conquests of Drusus from 12 to 9 B.C. F. Lachmann, however (p. 47), thinks that the passage may refer to Caesar's campaigns, which had at least made the German forests somewhat better known. The wars in Germany about B.C. 25, mentioned by Dio Cassius 51. 20, 21 and 53. 29, may have contributed to the same result.

(2) In 4. 20 he calls Augustus 'templorum omnium conditorem ac restitutorem;' Niebuhr thinks this title could not have been given him so early. But the temple of Juppiter Feretrius was restored during the triumvirate at the advice of Atticus (Corn. Nep. Att. 20). We read in Suet. Oct. 29, 'Aedem Marti bello Philippiensi pro ultione paterna suscepto voverat,' from which we may presume that it was built before this time. The temple of Julius was built soon after the battle of Actium. It was in B.C. 28 that the great temple of Apollo on the Palatine was dedicated. Lastly, Virgil connects the building of 300 shrines with the triple triumph of Augustus (Aen. 8. 714). And it was at this time that he held the 'censoria potestas' to which the repair of temples properly belonged.

On the whole then the first decad appears to have been written between 27 and 20. The Aeneid was being written at the same time, and thus the greatest poet and the greatest prose writer of the age were occupied at the same time in calling the attention of the Romans to their origin. We are not here concerned with the later decades, and I do not undertake to discuss the work as a whole.

THE TEXT. It appears that near the end of the fourth century after Christ a recension of the first decad was made by a certain Victorianus, and that the sixth, seventh, and eighth books were emended by Nicomachus Flavianus; the third, fourth, and fifth by his son Nicomachus Dexter. This is proved by notes which appear at the end of some of our MSS., of which the following are specimens:—

'Nicomachus Flavianus, v. c. 3. praefect. urbis emendavi apud Hennam.'

‘Nicomachus<sup>1</sup> Dexter v. c. emendavi ad exemplum parentis mei Clementiani.’

‘Victorianus v. c. emendabam dominis Symmachis.’

This is illustrated by a passage in Symmachus (Ep. 9. 13), ‘munus totius Liviani operis quod spoendi etiam nunc diligentia emendationis moratur.’

Now, all our existing MSS., with one exception, seem to be founded on this recension. Criticism therefore has two distinct tasks before it—the first to recover from the existing MSS. the text of this recension, which is their archetype; the second and more difficult to recover from the text of the archetype the original text of Livy.

Of the MSS. the two most important are the Medicean and Parisian, called by editors M and P. P is considered somewhat inferior to M. A complete knowledge of these two fundamental MSS. we owe to Alschefski, whose edition of Livy appeared in 1841.

Closely resembling M was another MS. now lost, but many readings of which (beginning at 1. 20, and ending at 6. 28) are preserved to us by Beatus Rhenanus. This is called by Madvig R, by Hertz V (Codex Vormacensis).

Next to these Hertz places Codex Bambergensis (B), of which Heerwagen collated the first book, and Codex Einsiedensis (E), collated by Haupt.

After these come the first Leyden (L<sub>1</sub>) and the 1st Harleian (H<sub>1</sub>). Closely agreeing with L<sub>1</sub> is a MS. in St. Mark’s Library at Florence, called by Hertz F.

The other MSS. spring, according to Madvig, from some MS. cognate with L<sub>1</sub>. H<sub>1</sub> and P are inferior, full of errors, corrections and interpolations.

To determine the reading of the archetype, the consent of M and P is the most decisive evidence.

But Madvig in his ‘Emendationes Livianae,’ and more recently Madvig and Ussing in their edition of Livy, have gone beyond other modern editors in venturing to correct the archetype itself. Madvig endeavours to show that certain particular kinds of error were common in it, e.g. the omission and insertion of *m* at the ends of words; the altering of words so as to force them into agreement in case, number, or gender with those next to them; the doubling of letters and syllables; the insertion into the text itself of marginal annotations, etc. Starting

<sup>1</sup> These Nicomachi are not mere names. A long inscription has been found which refers to them. A thorough investigation of it by G. B. Rossi will be found in the twenty-first volume of the ‘Annali dell’ Instituto di Corrispondenza Archeologica’ (Rome).

with this distinct conception of the archetype and applying his admirable knowledge of Latin and his great ingenuity, Madvig undertakes to reproduce Livy himself. Our own eminent Latinist, Mr. Munro, pronounces that he has done more for the text of Livy than was done for Greek tragedy by the whole Porsonian School. Mommsen's opinion may be gathered from the following sentence:—‘*Pertractare autem ejusmodi quaestionem et quantum nostrae aetati datum est absolvere cum unus homo possit ex iis qui hodie sunt Madvigius, hoc optamus ut telam a nobis inchoatam et retexat, ubi opus est, et detexat.*’

Another MS., containing parts of the first decad of Livy, had long been known to exist at Verona, where it was discovered by Mai, but scarcely anything was known of it, and no editor hitherto has had its readings before him. After Blum, Detlefsen, and A. W. Zumpt had given specimens of it, it was completely copied by Mommsen in 1867, and published in the *Commentationes* of the Berlin Academy in the following year. This MS. contains the greater part of the third, fourth, and fifth Books, and the early chapters of the sixth. But the publication of it is an important incident in the history of the text of Livy, because in the opinion both of Zumpt and Mommsen it differs from all the other MSS. in not being founded on the Nicomachean recension. We thus obtain a means of deciding differences between M and P, and Mommsen finds that the character of M (and R) is raised by the new MS., which he calls V. But he also finds readings manifestly wrong, which, notwithstanding, are common to V and the Nicomacheans, so that we come in sight of a new archetype, itself considerably removed from Livy's original, and already a good deal corrupted. For the rest, he finds V to be considerably inferior to the Nicomachean archetype, yet still in some instances to have alone preserved the true reading. His opinion is in the main approved by Madvig in the second edition of his *Livy*.

The editor of a classical author undertakes three things: to give a true text, to explain difficulties in the language, and to explain difficulties or add necessary information in the subject-matter. It sometimes happens that in one of these three departments there is little to be done. This is not so with Livy. An editor might find full occupation in settling his text or in explaining his Latin. But when the text is settled and the Latin explained, the labours of an editor of Livy are hardly begun. It is true he might decline to handle the subject-matter and leave it to historians of Rome. Historians of Rome, however, as Mommsen, begin to omit altogether or treat very shortly the matter of Livy's early books; I have, therefore, been led, not only by my own taste, but by a consideration of the interests of classical students, to

include the subject-matter in my province. The reader will see that the present edition owes more to Niebuhr, Schwegler, Becker and Marquardt, Newman, Lewis, Mommsen, Ihne, and other authors of the same class, than to Madvig, Weissenborn, or Hertz. It is difficult to be equally thorough in three departments so distinct, and each so large, as Roman antiquities, Latin philology and grammar, and textual criticism. My chief attention has been given to the first, but I shall be disappointed if this edition is not judged to deal conscientiously and thoroughly with the difficulties of idiom and construction which Livy presents. In textual criticism all I have done is to exert an independent judgment upon the materials furnished by Weissenborn, Hertz, Alschesfski, Madvig, etc. I have made it a rule, even when I did not accept Madvig's reading, to put the reader in possession of it.



## HISTORICAL EXAMINATION OF LIVY, BOOK I.

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THE subject-matter of this First Book suggests three principal questions: (1) Is it in the main true or false? (2) If in the main false, by what process did it grow up and obtain credit? (3) If in the main false, is it possible to separate from it any residue of truth? These three questions will be considered in order.

### CHAPTER I.

#### CREDIBILITY OF THE HISTORY OF THE KINGS.

The credibility of the history depends upon the sources from which it is drawn. The clearest and most complete account of the sources of the whole early history is to be found in Lewis, chaps. iii–vi. The following enumeration of historical authors is little more than an abstract of his third chapter. It traces the series backwards from the time of Livy. The dates are B.C.

#### SOURCES OF THE EARLY HISTORY.

##### I. *Historians.*

- (1) C. Licinius Macer; born 106, died 66.
- (2) Q. Claudius Quadrigarius. About the age of Sulla. His history began with the Gallic capture. The Third Book described the war with Pyrrhus.
- (3) Q. Valerius Antias. Same date as (2).
- (4) Cn. Gellius. In the age of the Gracchi. Copious on the early time.
- (5) C. Sempronius Tuditanus; consul, 129.
- (6) L. Cassius Hemina; living 146. The Gallic capture was in the Seventh Book.
- (7) L. Calpurnius Piso; consul, 133. The First Book comprised the history of the kings.
- (8) A. Postumius Albinus; consul, 151. He wrote in Greek.

(9) C. Acilius Glabrio; *quaestor*, 203. He wrote in Greek. There was a Latin translation of his history by a certain Claudius.

(10) M. Porcius Cato; born about 234. The First Book contained the history of the kings. The period between the expulsion of the kings and the first Punic war was omitted.

(11) L. Cincius Alimentus; *praetor*, 210. He wrote in Greek. He was meagre on the early times. He is carefully to be distinguished from another Cincius, probably contemporary with Varro, who was author of antiquarian works 'De Rebus Priscis,' 'De Consulum Potestate,' &c. Niebuhr confuses them (vol. 2. 8), and Arnold (1. 154). Zumpt pointed out the mistake.

(12) Q. Fabius Pictor. He served in the Gallic war of 225. He wrote in Greek, according to Dionysius 1. 6, though Cicero *De Or.* 2. 12, 53 seems to speak of him as a Latin writer.

The other leading Roman historians, e. g. Sisenna, Caelius Antipater, &c., occupied themselves only with the later history; so, too, the Greek Polybius.

Fabius being the earliest historian of Rome, there is a gap of 500 years between the foundation of the city and the first written history of it. The question therefore arises, on what was Fabius' history founded? This brings us to the second source.

### II. *Treaties.*

In 4. 7, is an instance of an ancient historical fact attested by a treaty extant in the last century of the republic.

Dionysius 4. 26, 58, refers to still extant treaties concluded between Servius Tullius and the Latin cities, and between Tarquinius Superbus and Gabii.

Polybius 3. 22-26, gives a full account of three ancient treaties between Rome and Carthage, which were extant in his time, and in the charge of the Aediles. For a sceptical criticism of them see Mommsen, *Chronologie*, p. 320.

Cicero *pro Balbo*, 23, mentions the treaty concluded with the Latins by Cassius in 493, as having been extant in his time, engraved on a brazen column behind the Rostra.

### III. *Documents in the possession of the magistrates.*

(1) 'Annales Maximi'; an account of the occurrences of each year, drawn up by the Pontifex Maximus, and exhibited upon an 'album' in his house. See Cic. *de Or.* 2. 12, 52. We are told by Servius, *ad Aen.* 1. 373, that these annals were afterwards collected into eighty books, and that they contained 'praescriptis

consulm nominibus et aliorum magistratuum, digna memoratu... domi militiaeque, terra marique gesta per singulos dies.' Cato tells us (quoted by Gellius 2. 28) that they were occupied principally with information about the price of corn, eclipses, &c.

- (2) 'Commentarii Censorum.' Dionysius (1. 74) mentions that these were religiously preserved in censorian families. The censorship was instituted in 443.
- (3) Official records of praetors are mentioned as having been kept by themselves. Cic. pro Arch. 5.
- (4) Ancient documents relating to civil procedure which were kept by the pontiffs. These were divulged by Flavius. See 9. 46.
- (5) 'Commentarii Pontificum' and 'Libri Augurales' were books of the same class, containing rules of religious ceremonial, but incidentally also historical statements, as appears from Cic. de Rep. 2. 31.

IV. *Laws*; engraved on brass and stone. Of these the principal were the Twelve Tables. Laws are often referred to the kings, and to particular kings. It seems likely, however, that this signifies really nothing but extreme antiquity.

V. *Lists of magistrates chronologically arranged*. How soon these lists began to be kept we cannot tell, but we are told that M. Fulvius Nobilior, a contemporary of Cato the Censor, made a collection of them. Macr. Sat. 1. 12, 16. The 'Fasti' still extant, called 'Capitolini' because they are preserved in the Capitol, are a similar collection, made, perhaps, about the time of Augustus.

VI. *Libri Lintei*; preserved in the temple of Juno Moneta. Mentioned in Livy 4. 7, 20, 23. They seem to have been mainly historical. The suspicion which Lewis hints, that they gave information about a very short period, seems inconsistent with the expression in Livy 4. 20, 'quos Macer .... citat *identidem* auctores.' Mommsen, I do not know why, suspects them to be a forgery of Macer's. Röm. Gesch. 3. 596.

Sources II—IV give a considerable mass of information for the period between the first Punic war and the Gallic capture in 390. But we are expressly told that in that capture of the city most of the public documents perished. (Livy 6. 1; Plutarch, Numa 1.) Livy particularizes the 'commentarii pontificum.' Among the 'alia publica monumenta' that were lost it is most natural to suppose he includes the 'Annales Maximi.' If not, he does not make out his point, which is, that up to the Gallic capture the history was extremely obscure and uncertain. This it would not have been if a contemporary register of 'everything

memorable at home or abroad, by sea and land,' had survived the catastrophe. The 'Annales Maximi' are sometimes quoted for occurrences earlier than the Gallic capture (Cic. *de Rep.* 1. 16), in one instance by Dion. (4. 20) for an occurrence of regal history. The collections of 'Annales Maximi,' which were circulated at a later time, certainly went back further than the Gallic capture. But was not this part of them a forgery? It was asserted by an ancient writer (*κλάδιος τις*) mentioned by Plutarch (*De Fort. Rom.* 13) that some professedly ancient documents, apparently these 'Annales Maximi' themselves, were forgeries, and that the originals had perished *ἐν τοῖς Κελτικοῖς πάθεσι*.

In any case it is certain (1) that Servius' description of the copiousness and minuteness of the 'Annales Maximi' does not apply to the regal period, for he says that the events of each year were registered, 'praescriptis *consulum nominibus et aliorum magistratum*' (which Dr. Dyer mistranslates, 'or other magistrates,' including under them kings); (2) that even if they did not perish in the Gallic capture they were not such beyond that date as to afford a firm basis for history in the opinion of Livy.

The sources we have hitherto mentioned are *pure*. The information conveyed in them may not always have been true, as in the case of the prodigies recorded by the pontiffs, but it was believed to be true by those who recorded it. There remain sources which are *corrupti*.

VII. *Funeral Orations*. These are described by Polybius, 6. 54. They are said to have been delivered from the foundation of the republic, or earlier. We read of one delivered by Fabius Maximus on his son, as having been committed to writing at the end of the third century before Christ. But it is expressly stated by Cicero (*Brutus*, 16. 62) that these orations contained much falsehood, inserted for purposes of panegyric.

VIII. *Inscriptions in private houses*. These were placed under the wax portraits or masks of distinguished members of a family, which stood in the atrium. They recorded the magistracies which had been held by them. But Livy charges these inscriptions also with being in many cases forged or false, 8. 39, 40. See also 4. 16.

IX. *Poems*. Of these, the principal are the 'Annales' of Ennius, and the poem on the first Punic war, by Naevius. The latter, however, dealt with the early history only incidentally. The former related it at length. We need not doubt that Ennius intended to give a true history; but as his first object was pleasure, and not truth, we

may suppose that he would mix more fiction with his narrative than a prose historian. Besides these poems, it appears from Cic. *Tusc.* 1. 2<sup>1</sup>, and *Brut.* 19. 75, and from Hor. *Od.* 4. 15, and Val. *Max.* 2. 1, 10, that songs in praise of illustrious men were anciently sung at feasts, to the accompaniment of the 'tibia.' Niebuhr has represented these songs as being the origin of all that is picturesque and poetical in the early history. And, indeed, it seems unreasonable to doubt that they contributed somewhat to shape that traditional history which Ennius found current. On the other hand, Niebuhr greatly exaggerates their importance; and, particularly in supposing them to have composed a great romantic history like the *Niebelungenlied*, he goes not only beyond the evidence, but utterly beyond the limits of sober conjecture.

The Regal Period begins, according to the received account, in 753, and closes in 510. The earliest historian of this period, therefore, wrote about 500 years after the beginning, and about 300 years after the end of it. This is the leading fact which first excited the scepticism of modern critics. The necessary inference from it ought to be noticed very carefully, and also (what is not done even by some of the best and latest critics) to be constantly remembered. This inference is, that no historian of the Regal Period has in any considerable degree the character of a *witness*. A writer like Caesar is strictly a witness; he describes what he knows from personal observation. A writer like Sallust, though in a less strict sense, may still be called a witness, for he describes what, though beyond his personal observation, might be ascertained by him easily and from abundant evidence. Therefore, when Sallust does not give his authority, he still, within certain limitations, deserves credit. He is himself an authority; if we suspect his accuracy, our suspicions arise from other considerations than his inability to ascertain the facts. Now this credit is not to be given to the historians of the Regal Period. Between the earliest of them and the period itself there is a gap, according to their own chronology, of from 300 to 500 years, so that all living memory of the period had long perished, and the historians were so far from being easily able to ascertain the facts, that there are very few conceivable ways in which they could have done so. Therefore, before attaching credit to any statement of a historian about this period, we have to consider carefully in what way he could have come by his information. The conceivable ways have been enumerated above, and it has been observed that for the Regal Period they are

<sup>1</sup> Dr. Dyer misunderstands this passage when he infers from it that 'this kind of songs and the singers of them were held in no great esteem.' When Cicero says, 'honorem tamen *huius generi* non fuisse declarat oratio Catonis,' he is speaking of poetry in general.

very much reduced in number by the destruction of public documents in the Gallic capture. We have to conclude generally, that for this period the ultimate authorities are a small number of public documents and untrustworthy inscriptions in private houses that may have escaped the Gauls, and beyond this nothing better than unwritten tradition.

Having ascertained that the earliest Roman history has in the main no better source than oral tradition, we are able at once to form a judgment upon certain parts of it. For example, Livy gives a description of the harrowing scenes which accompanied the removal of the population of Alba from their native city. The passage is very beautiful, but it is not difficult to satisfy oneself that particulars like these cannot be transmitted from mouth to mouth through four centuries. We may say the same of his animated description of the battle between Romulus and Tatus, which contains almost as many details as his account of the battle of Cannae. All detailed descriptions of this kind, it is at once evident, must be rejected. On the other hand, there are certain broad facts which we shall not hesitate to receive upon the naked testimony of tradition. For example, the fact that kings once ruled in Rome is allowed even by Lewis to be certain, and yet the testimony to it is perhaps entirely traditional.

But the greater part of the history lies between these two extremes. It is neither so minute and particular that it could not have been accurately preserved by tradition, nor so large and striking that it could not have been forgotten. Are we then to believe or to disbelieve it? Now, we have no right to affirm that the history actually rests upon oral tradition, but only that it rests on nothing better. It may rest on something worse, i. e. on invention. In these circumstances it becomes important to consider the history itself. There are characteristics which will throw suspicion even upon a well-attested narrative. To an ill-attested narrative these will necessarily be fatal. If, then, we find in the current history of Rome improbability, inconsistency with itself, inconsistency with other ascertained history, marvellousness, romance, national self-glorification, we shall be inclined to attribute it rather to fiction than tradition.

Now many of these marks of fiction are palpably visible in the history of the kings. In the first place it contains much of the supernatural, and, as will be shown more at length later, in its earlier form it contained still more, which writers living, like Livy, in a sceptical age either rejected or rationalized away. Examples of this are the whole story of Romulus, the intercourse of Numa with Egeria, the miraculous birth of Servius. In the second place it is extremely inconsistent with itself.

This is visible enough to the attentive reader of Livy only, though Livy generally contrives to avoid contradicting himself in express words. (See below on the Rape of the Sabines; also on c. 17; on c. 30, § 2; on c. 32, § 5; on c. 33, § 5; on c. 46, § 9.) But the full extent of the inconsistency is not generally perceived because most people know the regal history only as Livy has given it. It is when Livy's account is compared with the accounts of other writers that we become aware of the utter uncertainty which prevailed among the Romans themselves. We then discover that there was not a single generally-accepted traditional history, but a multitude of traditional histories entirely inconsistent with each other. For example, the famous story of the twins and of the foundation of Rome existed side by side with at least twenty<sup>1</sup> other stories of the foundation of Rome which are entirely different from it. Another example may be drawn from the history of Numa. This king is known principally as a founder of institutions. Scarcely anything would be left in his biography if we omitted from it the account of the institutions founded by him. Yet scarcely one institution is attributed to him which is not attributed by other writers to some one else. The introduction of the year of twelve months is attributed to him by Livy (1. 19, 6), but to Tarquinius Priscus by Censorinus (20, § 4). The introduction of the worship of Quirinus is attributed to him by Plutarch (Numa 7), but Varro (L. L. 5. 74) makes T. Tatius build an altar to Quirinus. He is called the institutor of the Vestal Virgins, and yet we are told that the mother of Romulus was a Vestal. Plutarch (Numa 12) makes him founder of the College of 'Fetiales,' but Cicero (Rep. 2. 17, 31) gives the honour to Tullus Hostilius. It is exceedingly wearisome to read through the whole list of inconsistencies and discrepancies which may be collected from the history of the kings; and it is the less necessary in this place to inflict them on the reader, because Lewis has already exhausted the subject. To his work the reader must be referred. It contains little or nothing that was not already known when it appeared, yet it is very important from the completeness with which it treats the one question of the truth or falsehood of the traditional accounts, and the firmness with which it abstains from perplexing the question with speculation.

The traditional history, as a whole, must be rejected, because of the conflicting nature of the different accounts. Contradictory narratives, all possessing equal and all slight authority, overthrow each other. But the attempt has often been made to elicit a true history from them by applying the test of probability, and explaining

<sup>1</sup> See Lewis, vol. I. 401.

conjecturally how the truth might have been corrupted. All such attempts rest upon the assumption that a true history has been corrupted by lapse of time, and by passing from mouth to mouth. But is this assumption justifiable? Does a fictitious history, such as that before us, necessarily presuppose a true history out of which it has grown by gradual deterioration; or may it have sprung up in quite a different way?

## CHAPTER II.

### HOW THE TRADITIONAL HISTORY MAY HAVE GROWN.

It must be admitted that a certain substratum of truth, indistinguishable to us, probably exists, particularly in the latter part—that it is exceedingly probable that a house of Tarquins really reigned at Rome, and that the ‘comitia centuriata’ were really instituted by a king named Servius Tullius. For the most part, however, it seems very probable that the regal history is not truth corrupted by passing from mouth to mouth, but fiction from the beginning. In producing these fictions two principal influences seem to have operated. The one of these influences was almost entirely overlooked by Niebuhr and Arnold, in whose time the Roman religion had not been so thoroughly studied as it has been since the publication of Hartung’s *Religion der Römer*. It may be called Euhemerism. Though the Romans preserved longer than the Greeks, as Polybius testifies, a feeling of reverence for the gods, yet many special beliefs and worships seem to have died out among them early and utterly. Their readiness to import foreign deities was not greater than the readiness with which they forgot their own. Accordingly, the first generation of Romans which turned its attention to the national antiquities—the generation of Fabius, Cincius and Cato—was quite prepared to take that view of many of the national deities which Euhemerus had taken of deities in general. The *ἱερὰ Ἀναγραφή* of this Greek, in which he explained the gods to have been famous men worshipped out of gratitude after their death, was, we are told by Cicero (N. D. 1. 42. 119), translated into Latin and followed<sup>1</sup> by Ennius, who is to be regarded as one of the principal arrangers of the received early history of Rome. When Cicero says that Ennius not only translated Euhemerus, but followed him, it seems probable that he means that Ennius applied the same method to Roman mythology which Euhemerus had applied to Greek. It is probable enough that the same influence may have affected Fabius and others.

<sup>1</sup> ‘Quem noster et interpretatus est et secutus praeter ceteros Ennius.’

But whether the work of Euhemerus himself affected these early historians, or the Roman mind independently hit upon the same theory, it is certain that a Euhemeristic explanation of the old Italian mythology runs through the Latin literature. A striking example is contained in Virg. Aen. 7. 177, where, in the palace of Latinus, there are said to stand statues of his ancestors, and among them are enumerated some of the leading names in the old Italian pantheon, names corresponding to Zeus and Kronos in the Greek, who are classed with other primitive kings who have suffered wounds in battle for their country.

'Quin etiam veterum effigies ex ordine avorum  
Antiqua e cedro, Italusque paterque Sabinus  
Vitisator, curvam servans sub imagine falcem,  
Saturnusque senex, Janique bifrontis imago,  
Vestibulo adstabant; aliique ab origine reges  
Martia qui<sup>1</sup> ob patriam pugnando vulnera passi.'

In the same way Faunus and Picus, who were among the greatest deities of the old Italians, are spoken of constantly in Virgil as primitive Italian kings. The same theory which led the historians to turn deities into human beings, led them to explain purely mythological stories into historical occurrences, and also to suppose the localities dedicated to particular worships to be the scenes of the historical occurrences so obtained. Examples of this manufacturing of history out of mythology are probably Evander, Cacus, Rea Silvia, Acca Larentia, Quirinus, Hersilia, Mettius Fuffetius, Tarpeia. The details will be given below.

The other leading influence may be called the aetiological influence. It is the desire to account for or explain anything that seemed singular in manners or usages, to find an origin for every remarkable institution, and to find a founder for every conspicuous building. As a typical example of this, may be quoted the story of the Rape of the Sabines. In the Roman marriage ceremonies there were many indications that the bride was supposed to be carried off forcibly from her parents. Modern inquiries have shown that in this there was nothing peculiar to the Romans. Similar traces appear in the marriage ceremonies of many nations most widely separated from each other. To us they are indications of a primitive condition of society, when men got their wives as they got their food, by hunting. But the Romans explained them by a story. They held them to be memorials of a particular and very ancient rape of Sabine women. For further examples of this see below.

These two are the principal influences which have probably been at work. In particular parts more special influences may be traced. The

<sup>1</sup> I am disposed, with Forbiger and Jahn, to prefer this reading to *Martiaque*.

earliest legends are evidently connected with the Iliad, and perhaps are also coloured by the traditions of Cumae. In other parts we find stories borrowed from Herodotus. There remains a certain proportion of the history which can be explained by none of these methods. Here, if anywhere, must lie the substratum of truth. Whether it is possible anywhere to recognize this substratum will come to be considered in due time. At present we proceed to examine the legends in order.

### THE LEGENDS.

#### I. *Aeneas.*

Aeneas is presented to us in three aspects : (1) As the founder of a dynasty which ruled in Ida over the remnant of the Trojans after the destruction of Troy; (2) As the founder of several cities in Greece; (3) As the founder of a colony in Latium.

Homer regards him as the future Trojan king (Il. 20. 307); and Strabo (13. 1, 53) testifies that the same tradition of him remained in the town of Scepsis in Troas. So too Conon, 41 : δὸς Ἀσκάνιος νῦν μὲν ἦν Αἰνέας μετὰ δὲ Τροίας μλωσιν ἐβασιλεύσειν Ἰδης. It is probably true that a family of Aeneadae existed in Troas who regarded Aeneas as their founder. Who then is the Aeneas who is said to have founded Aenus in Thrace (Virg. Aen. 3. 18), Aenea in Chalcidice (Livy 40. 4, 9), Capya in Arcadia (Dion. 1. 49), Etis and Aphrodisias in Laconia (Paus. 3. 22, 2), Egesta and Eryx in Sicily (Cic. Verr. 4. 33; Thuc. 6. 2), and of whom there were traces in many other places, particularly at Buthrotum in Epirus, and at Cumae in Italy (Virg. Aen. 3. 293, and 6. 235)? Two suggestions have been offered for this : (1) As in antiquity towns were generally supposed to have received the names of their founders, Aenus and Aenea in Thrace, and the island Aenaria, near Cumae, would all alike suggest a founder bearing a name like Aeneas, and after the diffusion of the Iliad all these founders would be at once identified with the Aeneas there mentioned. Similarly, the town Anchiasmos, near Buthrotum, would point to Anchises, his father, and Capya in Arcadia to Capys, his grandfather (Il. 20. 239). (2) At the places where Aeneas is said to have landed, we generally find a temple of Aphrodite. Now the name Aeneas seems closely connected with this worship; perhaps it was an epithet of the goddess. Temples of Ἀφροδίτη Αἰνέας are twice mentioned in Dion. 1. 50.

But we are more concerned here with Aeneas as colonizer of Latium. It is important to remember that this legend is only the most celebrated of a vast number of similar legends connecting Italy with the heroes of

the Trojan war. The aetiological instinct, when it endeavours to explain the origin of cities and tribes, does so by connecting those which are obscure with those which are celebrated. As the Greeks explained the origin of their principal cities by Egyptian and Phoenician colonies, so did the Italians imagine colonies from Greece. And the Greeks themselves, as they became acquainted with the Western world, were probably surprised to find correspondences in usages and traditions and language, between themselves and the Sicilian and Italian barbarians. These correspondences, which up to a very recent time were explained by the assumption of a common Pelasgian stock, and which we now explain as arising from the kinship of two nearly-related branches of the Indo-Germanic family, the Greeks explained by the fables of the *νόστοι*. Ulysses appears as a colonizer of Latium even in the Hesiodic Theogony (1013), and at a later time we find the supposed colonies of Diomedes extending all along the Adriatic coast, and those of Ulysses along the Tyrrhenian. If, then, Ulysses had been regarded by the Romans as the founder of their race, no further explanation would have been needed. The question is, what made the Romans connect themselves with the conquered Trojan Aeneas, rather than with the victorious Greek Ulysses, whose descendants were supposed to reign in the neighbouring town of Tusculum? (See on 1. 49, 11.)

The belief of the Romans that they were of Trojan descent can be traced as far back as the last years of the first Punic war, when we are told that they helped the Acarnanians on the ground, that of all the Greeks they alone had not joined in the war against their Trojan ancestors. (Just. 28. 1, 6; compare Suet. Claud. 25.) About the same time Timaeus, the Sicilian historian, related the arrival of Aeneas with the Penates in Latium, and the foundation of Lavinium. (Dion. 1. 64.) Dionysius (1. 72) collects still earlier testimonies: (1) A writer of uncertain age, Cephalon of Gergithes—but we are expressly told by Athenaeus (9. 49) that the *Τρωικά* attributed to Cephalon was a forgery of the age of Antiochus the Great. (2) A writer whom he calls ὁ τὰς *ιερεῖας τὰς ἐν Ἀργείᾳ καὶ τὰ καθ' ἐκάστην πραχθέντα συναγαγών*. This writer described Aeneas as coming with Odysseus into Latium, and there founding a city which he called from a captive Trojan woman Roma. The writer meant appears to be Hellanicus, who wrote about the year 400; but the positive mention of Rome at a time when Rome was entirely unknown to the Greeks makes one inclined to suspect, with Preller (Röm. Myth. p. 670), that Dionysius must have quoted from a later redaction of the book. Yet it is remarkable that Damastes of Sigeum, who was about contemporary with Hellanicus, is said by

Dionysius to have confirmed the statement. The question is, whether his account contained the name Roma. Schwegler thinks Dionysius does not mean to assert this. I confess I rather think he does. (3) He says that Aristotle related how certain Greeks returning from Troy landed in Latium, and how the Trojan captive women that were with them burned their fleet and compelled them to settle there. This appears to be trustworthy, and thus the mythical connection between Troy and Latium is traced to the middle of the fourth century before Christ. The problem to be solved is twofold. It is, first, to find a point of connection between Rome and Troy; secondly, to find a reason for the selection of Aeneas as the Trojan *οἰκιστής*. The latter is much easier than the former. In the Iliad itself Aeneas is the only Trojan hero who appears to have a future. The famous lines (Il. 20. 306) show that the poet knew of descendants of Aeneas that reigned after the destruction of Troy. This hint was improved by the ancient poet Arctinus; and Sophocles, in his Laocoön, introduced that departure of the hero from Troy which Virgil has made so familiar to us. Dion. 1. 48, quotes the lines:

νῦν δ' ἐν πύλαισιν Αἰνέας ὁ τῆς θεοῦ  
πάρεστ', ἐπ' ὁμῶν πατέρ' ἔχων κεραυνίου  
νάτουν καταστάζοντα βύσσινον φάρος.  
κυκλεῖ δὲ πάσαν οἰκετῶν παμπληθίαν·  
συμπλάζεται δὲ πλῆθος οὐχ ὄσον δυκεῖς,  
οἱ τῆσδε ἐρώσι τῆς ἀποικίας Φρυγῶν.

It is true that both Arctinus and Sophocles represented Aeneas not as leaving the country, but as establishing a colony in Ida; which proves conclusively that the voyage of Aeneas to Italy is a later invention. But it is also true, that for any later mythologer who had heard of a Trojan colony in the far west, and wanted a leader for it, such a hint as Homer's prophecy about Aeneas, and the lines just quoted from Sophocles, afforded the best possible starting-point for a new Odyssey. If to this there be added the fact already mentioned, that the name *Aἰνέας* appeared frequently in the *cultus* of Aphrodite, and therefore that every temple of Aphrodite on any Mediterranean coast gave a fresh stimulus to imaginations already at work upon the adventures of Aeneas, and finally that the town of Lavinium was an ancient seat of the worship of Venus, the choice of Aeneas as *οἰκιστής* seems sufficiently explained<sup>1</sup>.

<sup>1</sup> The story of Macrobius (Sat. 5. 2, 4), that Virgil's whole Second Book is taken almost word for word from a very ancient epic poet Pisander, which would throw the legend of Aeneas' wanderings many centuries back, has been overturned by Welcker, in his *Epischer Cyclus*.

The question how the Romans came to fancy themselves of Trojan stock at all, is more difficult. But it is important to remark, that, though this belief cannot be clearly traced beyond the time of Aristotle, the belief of Trojan colonies in the far west can be traced considerably earlier. Egesta, in Sicily, believed itself to be a Trojan colony in the fifth century before Christ, as we know from Thucydides 6. 2; and there exists a statement which carries the belief not only in a Trojan colony, but a Trojan colony headed by Aeneas, back to the Sicilian poet Stesichorus, who belongs to the first half of the sixth century, and to the Regal Period of Rome. The Iliac Table in the Capitoline Museum has representations of different Trojan legends, the last of which is Aeneas, with Ascanius and Anchises, and the trumpeter Misenus, embarking, with the inscription, *Αἰνέας σὺν τοῖς ἴδιοις ἀπαίρων εἰς τὴν Ἑσπερίαν*. The Table also gives the names of four Greek poems as authorities for the representations, and among them the only one from which this scene could be taken is the *Ιδίου Πέρσις* of Stesichorus. Now Stesichorus was born either in the extreme south of Italy or in the north of Sicily, and belongs to the region in which we have already found the supposed Trojan colony of Egesta. It is impossible to avoid putting the two facts together, and connecting them with Virgil's statement of the tomb of Anchises being at Egesta. How the inhabitants of Egesta came to believe themselves of Trojan descent we cannot positively affirm, but we have a perfectly sufficient and probable cause in the statement of Stesichorus. He, as a poet, was quite capable both of inventing the story and of procuring credit for it. What suggested it to him we cannot tell; perhaps the accidental resemblance of two proper names; perhaps, as Mommsen suggests, the wish to account for the resemblance, and yet the difference and the inferiority, of the native Sicilian races to the Greeks.

Now the close connection between the Trojan legend of Latium and that of Egesta is visible throughout the Aeneid, particularly in the Fifth Book. It also appears in the mention of Aegestus in Dion. 1. 67, in the account of the founding of Alba. About the time of the first Punic war, when the Trojan descent of the Romans begins to be spoken of, they had more intercourse with the northern Sicilians than at any previous time, and probably perceived their ethnical affinity to be closer than the affinity of either with the Greeks. Beyond this nothing certain can be said, but the ingenious theory of Müller (published in the Classical Journal, 1822) ought not to be passed over without notice.

It rests not upon the imagination of poets and mythologers, but upon a historical and undeniable connection between the Teucrian country

and Italy. Among the colonists of the Campanian Cumae were natives of the Aeolian Cyme (Strabo 5. 4, 4). If there existed anywhere people who had a right to claim Trojan descent, it would be in Cyme. Now the connection of the legend of Aeneas with Cumae is plainly visible in the Aeneid (Book 6), and it is remarkable that the Iliac Table, professing to quote from Stesichorus, introduces the trumpeter Misenus. Misenus was the name of a headland over Cumae: it is possible, then, that a tradition of Aeneas existed at Cumae long before it existed at Rome. But how did it pass from Cumae to Rome? Through the Sibylline book, says Müller, which the Romans undoubtedly got from Cumae. One of the Sibyls was said to have lived at Cumae, but she had left no books: *χρησμὸν οἱ Κυμαῖοι τῆς γυναικὸς ταύτης οὐδένα εἶχον ἀποδειξασθαι*, says Pausanias 10. 12, 8. Their Sibylline oracles seem to have been a collection of the oracles of the Sibyl of Erythrae, who appears to be identical with that of Gergis. Now as these oracles came to Cumae and thence to Rome from the Teucrian country, and as in this Teucrian country there had for some ages ruled a house of Aeneadae, what more likely than that they contained references to the Aeneadae, and predictions of the glory of their house? But Dionysius asserts that they actually did so (1. 49. Tibullus 2. 19 does not seem to prove anything). When, therefore, the Romans in later times, on consulting these oracles, found passages referring to the sons of Aeneas, what more natural than that they should persuade themselves that they themselves were meant?

The objection to this theory is that it takes no account of Lavinium. If the Romans believed themselves to be Aeneadae, why did they not believe that Aeneas founded Rome itself instead of Lavinium? This difficulty might indeed be surmounted, but only by conjectures supported by no evidence. Again, the oracles referred to by Dionysius as mentioning Aeneas were not the original ones, but the second collection, made after the burning of the Capitol, that is, long after the legend of Aeneas had become matter of belief. It is quite unsafe to trust to the possibility that in this point they resembled the original ones.

But Müller's theory has the merit of pointing out a real historical connection between the Teucrian country and Italy, and a very probable source of Trojan legends in Italy in the Teucrian settlers of Cumae and their Sibylline books.

## II. *Aeneas in Italy.*

Let us pass to the particulars of Aeneas' settlement in Latium. Here there at once meets us a fact from which a conjecture may be formed as to the period when the legend grew up. It is that the legend in its

earliest form, as it appeared in Naevius and Ennius, made Romulus the son of Ilia, Aeneas' daughter (Serv. ad Aen. 1. 273; 6. 778), and described Alba Longa as already existing at the arrival of the Trojans. The legend would hardly have taken this shape earlier than the time when Rome had crushed the Latin league, since it passes by the Latin cities altogether, and even their metropolis Alba, taking account only of Lavinium, the seat of the worship of Venus and of the Penates, and then directly of Rome. This leads us to conjecture that the connection between Aeneas and Rome is not earlier than 338 B.C., though his connection with Lavinium may be earlier.

When the belief spread that Aeneas had been the original colonizer of Latium, the Latins had already other native traditions about their origin. They had an eponymous hero Latinus, mentioned even in the Hesiodic Theogony (1013), and represented by the Greeks as a son of Odysseus and Circe, by the native tradition as the son of the god Faunus and the nymph Marica. He is said to have been worshipped under the name of Juppiter Latiaris (Festus 194). They had, also, a Pater Indiges, who was very possibly really identical with Latinus. The old capital of the Latin league was Alba Longa, and Juppiter Latiaris continued to be worshipped on the Alban mount. But the city had long been destroyed, and Lavinium was considered the central city of the league, in which the Latin Penates dwelt. It is represented as more ancient than Alba Longa; whether it was really so, or, having taken the place of Alba after its destruction, had in later times, perhaps through its connection with the legend of Aeneas, claimed superior antiquity. The Latins thus had to reconcile their new belief in Aeneas as their founder with their old belief in Latinus. This they did partly by representing Aeneas as marrying the daughter of Latinus, partly by identifying him with that Pater Indiges, who perhaps had at first been no other than Latinus himself. If the story of Aeneas came to Rome through Lavinium, which it probably did through the worship of Venus that prevailed there (Strabo 5. p. 232, ἀνὰ μέσον δὲ τούτων τῶν πόλεων ἔστι τὸ Δαονίνιον ἔχον κοινὸν τῶν Δατίνων ἱερὸν Ἀφροδίτης), we understand why he is represented as founding that city, and the story of his disappearance on the banks of the Numicus is a case of Euhemerism. Euhemerus, in representing the gods as famous men, seems to have explained their temples as being properly their tombs ('ab Euhemero autem et mortes et sepulturae demonstrantur deorum.' Cic. N. D. 1. 42, 119). On the banks of the Numicus there was a temple of Pater Indiges. When this god was identified with Aeneas, it was said that on this spot Aeneas had either died or disappeared.

Aeneas in Italy engages in war with Mezentius, king of Caere, and Turnus, king of Ardea. Caere was an Etruscan town, and the name Turnus (*Tyrrhenus*) seems to show that Ardea at this time was Etruscan too. Mezentius (also Messentius, Medientius) cannot be explained mythically. He is a tyrant such as probably was often to be found among the half-barbarous Etruscan aristocracy. It is not impossible that he is a historical tyrant whose atrocities were long remembered, and who is here introduced amidst more shadowy company. Taken as a whole, this war is a struggle of the Latins against the Etruscan power which surrounded them on all sides. It may be an obscure tradition of the first forming of the Latin league, and of the founding of a federal city in order to make head against the Etruscans. The conjecture that Aeneas and Latinus were originally one and the same personage is confirmed by the fact that they quit the scene in the same manner. See note on *i. 2, 2.*

### III. *Alba.*

Before inquiring how the legend of the Alban kingdom grew, let us consider what we know historically about the city. Though it was destroyed long before historical times, it cannot be said that we know absolutely nothing about it, for in this instance we have one of those testimonies which are independent of the aid of writing. The temple of Juppiter Latiaris stood on the Alban mount, and every year a festival was held there called 'Feriae Latinae.' A white bull was sacrificed, and part of the flesh sent to every Latin town. In this fact we have a strong confirmation of the statement of Livy and Dionysius that Alba had been the capital city of the Latin league. But the further statement of those writers (*Dion. 3. 31, 34; 6. 20; Livy 1. 52*) that the other Latin cities were colonies of Alba, is contradicted by Dionysius himself in the case of Tibur (*1. 16*), and by Livy himself in the case of Lavinium (*1. 3*). Virgil, too, in his account of the Trojans in Latium, supposes many of these towns to be already in existence, though Alba was not yet built. Nevertheless, that Alba had colonies was believed by Virgil (*Aen. 6. 773*), and stories of the settling of one city from another are among those in which tradition is most trustworthy. Niebuhr had a theory that Alba had thirty colonies, and that the cities of the Latin league, being also thirty in number, were confounded with them, though really quite distinct. This he founds upon Pliny *3. 9*, where, in speaking of the towns of Latium which had perished, Pliny says, after enumerating twenty-one: 'Cum his carnem in monte Albano soliti accipere populi Albenses, Albani, Aesulanii, Acienses . . . Vitellenses. Ita

*ex antiquo Latio liii. populi interiere sine vestigiis.*' This Niebuhr would translate: 'Among these were accustomed to receive the (sacrificial) flesh on the Alban mount the following Alban townships, the Albani,' &c. Translating in this way we get thirty-one townships, including Alba itself, or thirty townships named from Alba. The result, however, is, that adding this thirty-one to the twenty-one mentioned before, we have a total of fifty-two, whereas Pliny says the total is fifty-three. Moreover, we are expressly told by Varro (L. L. 8. 35), that the adjective 'Albensis' belonged to the town Alba on Lake Fucinus ('quod cum duae sint Albae ab una dicuntur Albani ab altera Albenses'). The theory, therefore, evidently falls to the ground.

That Rome was a colony of Alba cannot have been believed by those who, as Naevius and Ennius, described Romulus as the grandson of Aeneas; nor is it likely that if the Romans had regarded Alba as their metropolis, they would have razed it to the ground, as they are said to have done under Tullus Hostilius, for this would have been, according to ancient ideas, an act of parricide. The points of connection between Alba and Rome are: (1) That Rome had probably in the time of Alba's greatness acknowledged her as the capital of the league; (2) That there were in Rome families which, perhaps truly, traced their descent from Alba. These facts, together with the necessity which was felt, as soon as chronology began to be studied, of filling the gap between Aeneas and Romulus, led to the interpolation of the history of Alba, for which these traditions of the Alban families furnished some material.

#### IV. *The Alban kings.*

The earliest trace of this list of Alban kings is in Alexander Polyhistor, a writer of the time of Sulla quoted in Servius (ad Aen. 8. 330), who says that Livy follows Alexander in his account of the death of Tiberinus. It is to be noted that different writers make the period during which these kings reigned of considerably different length. Livy does not give the length of each king's reign, but he believes with Virgil that Alba was built 300 years before Rome (this appears from an expression in i. 29, 6, 'quadrincentorum annorum opus'). The account given in Dion. i. 71, on the other hand, lengthens the period to 432 years.

The explanation of this late invention of a list of kings of Alba lies in the fact that the chronological difficulties of the older story came to be perceived. Eratosthenes laid it down that the fall of Troy took place more than 400 years before the first Olympiad. Cato then drew the inference (Dion. i. 74) that the foundation of Rome must have taken

place 432 years after the fall of Troy. It became necessary to fill up the gap. Dionysius' scheme was so framed as to do this exactly; Livy's follows the geometrical progression (3, 30, 300) mentioned by Virgil Aen. 1. 265-274.

Two of the names which figure in this list of kings are taken from the Trojan legends, viz. Ascanius and Capys. Capys in Homer is father of Anchises (Il. 20. 239). The Julian house furnished Julius, who was confounded with Ascanius, and possibly Procas, as we find Proculus a praenomen in the gens Julia at a very early time (Livy 1. 16, 5). The 'gens Aemilia,' which also claimed to be Trojan (Festus, s. v. Aemilius), seems to have furnished Amulius. In Calpetus (Dion. 1. 71) we seem to see the eponym of the 'gens Calpurnia,' and as this same 'gens' claimed connection with Numa, it is not impossible that it contributed Numitor. The story of Tiberinus giving his name to the river was taken by Livy, we are told, from Alexander Polyhistor. A precisely similar story about the Anio is quoted by Plutarch (Parall. 40) from the same writer, and he is referred to by Servius (ad Aen. 10. 388) for another mythological statement. Niebuhr and Mommsen (Rom. Chron. 156) give this Greek the credit of inventing the whole list. This seems unlikely, but he is perhaps entitled to the two aetiological kings, Tiberinus and Aventinus. Atys and Rhea or Rea have a Phrygian appearance. It is to be noticed that the belief of the Romans that they were of Trojan descent drew their attention towards the Phrygian legends. Atys belongs to this mythology. Ovid tells us (Fasti 4. 259) that the worship of Rhea was introduced at Rome in obedience to an oracle which said, 'Mater abest, matrem jubeo, Romane, requiras.' It is not surprising that this name should be given to the mother of Romulus. But after all this may be a false scent. Atys is perhaps simply the eponym of the gens Atia, as Virgil has it:—

'Alter Atys, genus unde Atii duxere Latini,  
Parvus Atys, pueroque puer dilectus Iulo.' (Aen. 5. 568.)

(Compare Ātys with the Phrygian Ātys or Attis.) Nor is there anything to prevent us from regarding Rhea or Rea as purely Italian. The mother of Sertorius is called by Plutarch 'Pēa' (Sert. 2), and we have an Italian priestess Rhea in Virgil, Aen. 7. 659. The explanation of Silvia as a mere translation of Idaea does not seem happy. It seems probable enough that after all the other traditions of Alba were lost, it was still remembered that a family of Silvii had lived there, and there might be memorials of them in the temple of Juppiter Latiaris.

Niebuhr thinks that Rea, not Rhea, was the original form, and that it

was no proper name, but simply means 'the accused.' Preller translates it 'the dedicated,' that is, the Vestal, comparing 'voti reus' (Aen. 5. 237).

The legend in Virgil (Aen. 7. 659) seems not to have been sufficiently considered. It describes a priestess Rhea, who bears Aventinus to the god Hercules, 'collis Aventini silva.' Virgil seems clearly to be thinking here of Rhea Silvia, the Vestal. Cp. Aen. 6. 765. Editors say that this is an invention of Virgil's, founded on the story of Romulus. But as we hear no more of Aventinus, such an invention would want a motive; besides that poets, when they adopt stories, generally alter at least the proper names. It seems to me that we have here the original legend, and that, just as Romulus was confounded with Quirinus after the union of the Palatine with the Quirinal, so he was confounded with Aventinus after the Aventine was included in Rome.

#### V. *The earliest traditions of Rome. Evander.*

The original germ of Rome seems to be the cave called the Lupercal, on the Palatine, in which the god Faunus was worshipped. It was a cave from which a stream flowed, and was still shown in Dionysius' time (1. 79), though the grove which had originally surrounded it had then disappeared. Faunus was an agricultural deity who was invoked to bless cattle with fruitfulness (Hor. Od. 3. 18), and to guard them from the wolf. He therefore had the title Lupercus. Close by there seems also to have been an altar to Pales, god or goddess (for the word has both genders) of cattle; whence perhaps Palatium.

The resemblance between the *cultus* of the Latin Faunus and of the Greek Pan could not but strike both nations when they came to compare their institutions. In particular, the worship of the Lupercal resembled the worship of Pan Lycaeus in Arcadia. First, the word Lycaeus answers to Lupercus; next, the place where the worship of Pan took place on mount Lycaeus seems to have resembled the Lupercal. It is described in Pausanias (8. 38) as having near it the stream Hagnos, as surrounded with a grove, and having a hippodrome and a stadium, in which the Lycaean games were held, just as the 'holy chase' of the Luperci began from the Lupercal. Accordingly, Faunus and Pan Lycaeus were identified.

But in the meanwhile the Euhemeristic tendencies of the Italian mind had been at work upon Faunus, and it had become the custom to represent him as an ancient king of the Aborigines, who was worshipped after his death because of his wisdom and merits. This is the repre-

sentation of him given in Virgil (see above, p. 19; comp. Suet. Vit. 1). Dionysius (1. 31) calls Faunus ἀνὴρ μετὰ τοῦ δραστηρίου καὶ συνερός. The name 'Faunus' is connected with *faeo* and *faustus*, and means 'propitious.' Servius says (ad Aen. 8. 314): 'Quidam Faunum appellatum volunt eum quem nos propitium dicimus.' It answers to 'le bon Dieu,' or 'der liebe Gott.' But when Faunus came to be regarded as a man, his name had to be explained as meaning the good or benevolent man. Hence perhaps the name *Evander*.

On this theory the god Faunus becomes divided, and appears in two characters at once. He is Pan Lycaeus at the Lupercal, and he is Evander the earliest settler on the Palatine. The point of connection between them is now, that the Arcadian worship of Pan is said to have been introduced by Evander. The name 'Palatium' is explained so as to suit this view. It is connected with Pallanteum in Arcadia, and to Evander a son Pallas is given. Carmenta, who is called the mother of Evander, seems to have been a goddess of fruitfulness in women, and therefore of the same order as Faunus. Preller thinks that Carmenta is identical with Fauna (Röm. Myth. 356).

Having once acquired a Greek wanderer settled in Rome, the Romans might naturally refer to him anything in their institutions which appeared borrowed from the Greeks. In particular, the alphabet, which actually did come to the Latins from Greece, is said to have been introduced by Evander (Dion. 1. 31).

#### VI. *Hercules and Cacus.*

As the story of Evander rises out of the worship of Faunus on the Palatine, so does the story of Cacus out of that of Hercules at the Ara Maxima, on the bank of the Tiber. The Italian Hercules differs considerably from the Greek. He is a god of fidelity, so that 'me hercule' and 'me dius fidius' have the same meaning; he is also a god of property, so that any treasure found accidentally was attributed to Hercules (Hor. Sat. 2. 6, 10). We are told by Dionysius (1. 40) that covenants of unusual solemnity were commonly made before the Ara Maxima of Hercules. Mommsen holds that the deity whose name is written by the Oscans Herecles or Hereclus, by the Etruscans Herclle, and by the Romans Hercoles or Hercules, had originally no connection with Ἡρακλῆς, and he connects the name with the old Italian verb 'hercere.' The Romans themselves differed as to the name of the conqueror of Cacus. Verrius Flaccus called him Garanus (Serv. ad Aen. 8. 203); Propertius (5. 9, 74 Paley) calls him Sancus, a Sabine deity, who is the proper *Dius Fidius*, and whose name Sancus connects itself with 'sancio' and 'sanctus.' Stesi-

chorus, whom Mommsen calls the 'great transformer of myths,' wrote a Geryonis, in which he celebrated the adventures of Hercules in the West. As he seems to have known something at least of the native Sicilian race (see above, p. 23), it is possible that he interwove into this poem a number of legends of western origin, and identified certain indigenous western heroes with Hercules. The *cultus* at the Ara Maxima was thoroughly Greek in the time of Dionysius (1. 39); but this may have been a change introduced when, in the time of Appius Caecus, the family of the Potitii gave up their hereditary function of superintendence over it.

The Ara Maxima was not far from the Circus Maximus, though 'the exact spot,' says Mr. Burn, 'cannot now be determined.' It was, therefore, in the neighbourhood of the oldest part of Rome, and we are not surprised to find it mentioned in the oldest legends. A legend was necessary to explain this 'Ara Maxima,' and the great veneration that was paid to it. It was said that near the spot the deity had vanquished a monster Cacus. Cacus is a son of Vulcan, and has the peculiarity of vomiting smoke; his den is compared by Virgil to hell. It is the later and rationalized legend which represents him simply as a shepherd of bad character. The etymology which connects his name with *kakós* and opposes him to Evander, 'the good man' (though Ihne still adheres to it, *Röm. Gesch.* p. 22), forgets the quantity of the first syllable, and interprets a genuine Italian tradition from the Greek language. The founder of Praeneste, Caeculus, is also a son of Vulcan, and this suggests a better etymology. Cacus is 'Caecus,' and represents a power of darkness. He is called son of Vulcan because smoke is produced from flame. It has been suggested that we may have in this story an allegory of the volcanic origin of the Roman hills; but to this Mr. Burn answers that Praeneste has a similar story, and yet is far removed from any volcanic influences.

If Hercules is the same as Semo Sancus, then, as Semo Sancus seems to have been a power of light, the legend resolves itself into an allegory of the victory of light over darkness: See Bréal, *Hercule et Cacus*.

### VII. *Romulus and Remus.*

That the town Roma would have a mythical founder bearing some such name as Romulus might have been presumed beforehand. So the Ionians are descended from Ion, the Dorians from Dorus, &c. But, further, it is quite explicable that the foundation of the city should be attributed to twin brothers. This arises out of the Roman belief in Lares. Every Roman household worshipped certain Lares, who were regarded as the present protecting spirits of dead

ancestors. In them the notion of founders and of guardian deities met. But they were not confined to single households. Every neighbourhood had its Lares, who were worshipped at cross-roads ('Lares Compitales'), and, what is most important here, so had every town ('Lares Praestites'). Now these deities are always represented as a pair of brothers (Ov. *Fast.* 2. 615; 5. 143). We might expect, therefore, the original ancestors and divine guardians of the Roman state to be conceived in the same form. The story of the she-wolf and the suckling of the twins was considered by A. W. Schlegel as an invention of the Greek Diocles of Peparethus, who is said by Plutarch (*Rom.* 8) πρῶτος ἐκδούνται Ρώμης κτίσιν, and to have been followed by Fabius Pictor (*Rom.* 3). But the story has a great many local features which a Greek would be unlikely to introduce. We know that it was received at Rome as early as 296, when the she-wolf was set up in bronze beside the 'ficus Ruminalis' (Livy 10. 23). We do not know the date of Diocles, but it is almost impossible that he should have written so minutely about Rome at an earlier date than this. It is also unlikely that the Romans should have received from abroad a story of their origin, at a time when the native tradition (for scarcely any ancient town wanted such a tradition) must have been deeply rooted. We must therefore look in Rome itself for an explanation.

The story had a visible monument in Rome in the 'Ficus Ruminalis.' This fig-tree stood on the Palatine near the Lupercal. Beside it, according to Livy, the twins were exposed, and here the she-wolf suckled them (Livy 1. 4, 5; compare Tac. *Ann.* 13. 58; Varr. *L. L.* 5. 54). What was this 'Ficus Ruminalis'? It was a fig-tree sacred to a goddess Rumina (Augustine, *Civ. D.* 7. 11, speaks of a god Ruminus also), whose name is derived from 'ruma,' an old Latin word for the breast. To this goddess fig-trees were commonly planted. Varro says (*de R. R.* 2. 2, 5): 'Non negarim ideo apud Divae Ruminae sacellum a pastoribus satam ficum. Ibi enim solent sacrificari lacte pro vino et pro lactentibus. Mammae enim rumes sive rumae, ut ante dicebant, a rumi, et inde dicuntur subrumi agni.' We have spoken of Faunus and Fauna as deities who gave fruitfulness. A number of minor goddesses appear whose functions differ slightly from those of Fauna, and whose names were perhaps originally epithets of Fauna. Among these Carmenta has already been mentioned; Rumina is another, the goddess of suckling. It seems likely that her fig-tree had originally nothing to do with the legend of Romulus, but it was in that oldest part of the city in which memorials of Romulus were naturally looked for, and there was a resemblance between the names Romulus and Ruminalis, which struck the Romans

when they began to be antiquaries. Festus (s. v. *Ruminalis*) says: 'Ruminalis dicta est ficus, quod sub ea arbore lupa mammam dederat Remo et Romulo. Mamma autem rumis dicitur'; and Plutarch (*Rom.* 6) says: *εκληθῆναι ἀπὸ τῆς θηλῆς ιστοροῦσι 'Ρωμύλον καὶ 'Ρōμον ὅτι θηλάζοντες ἀφθησαν τὸ θηρίον.* It appears that the word *Romulus* suggested to a Roman ear the notion of 'suckling.' We thus discover the association which converted the twin *Lares* of the Roman state into two sucking children.

The she-wolf seems to have been suggested by the worship of *Faunus Lupercus*, which was carried on close by, even if the worship of *Rumina* was not really identical with it. *Faunus* and *Fauna* not only keep wolves away from the flock, but they also deprive them of their savageness. 'Inter audaces lupus errat agnos,' says Horace, in his address to *Faunus*. *Faustulus*, who takes them from the wolf, is none other than *Faunus* himself, whose name appears as *Faunus*, *Faustus*, or *Faustulus*.

*Acca Larentia* has passed into the legend from a different source. Rome was at all times full of religious guilds or societies, which existed for the purpose of performing special sacrifices to special deities. Among these 'sodalicia' or 'collegia,' one of the most noted was that of the 'Fratres Arvales.' It consisted of twelve members, and its object was to sacrifice yearly, with certain peculiar ceremonies, to a certain *Dea Dia*, who seems to be a goddess of harvest. Now this brotherhood preserved a *ἱερὸς λόγος* to the effect that the guild had arisen from the twelve sons of one *Acca Larentia*, who, with their mother, had sacrificed yearly 'pro agris,' and that when one of the twelve died, *Acca Larentia* had adopted *Romulus* in his place. Probably the legend meant that the brotherhood and the mode of election into it were as old as the state itself. *Acca Larentia* may be a rationalising explanation of the *Dea Dia* herself, the object of a *cultus* being, as in the case of *Evander* and *Faunus*, confused with the founder of it. *Acca* is explained by Preller as an old word for mother, and *Acca Larentia* he considers to be 'mother of the *Lares*.' However this may be, the notion of *Romulus* as the adopted son of *Acca Larentia* seems taken from the traditions of this guild.

It is likely that the legend of *Romulus* and *Remus* had originally no connection with the story of the Alban kingdom and of *Aeneas*. The names given to his mother, *Rhea Silvia* (if *Rhea* be Phrygian) or *Ilia*, are therefore to be considered as a later addition. It is possible that the original legend called her simply a *Vestal*. The worship of the *Lares* is closely connected with that of *Vesta*, and with the household hearth. Thus the founder of *Praeneste* is said to have been discovered on the hearth (*Virg. Aen.* 7. 680); and the same feature appears in

the legend of Servius Tullius. The Lares of Rome, therefore, are said to have been sprung from a Vestal.

Out of these materials it was not difficult for any one who had read in Herodotus the account of the infancy of Cyrus to construct the story with which we are so familiar.

### VIII. *Remus.*

It has been shown how it may have come to be believed that Rome was founded by two brothers. Rome, however, was afterwards governed not as Sparta, by two kings, but by one. It thus became necessary to eliminate one of the brothers, and hence arose that contrast between Romulus, happy, glorious and divine, and Remus, human and unfortunate, which meets us so often in mythology. Their names resemble each other closely, because they are the same idea presenting itself in a double form; but the form *Rēmus* by the side of *Rōmus* and *Rōmulus* has perplexed etymologists. We find in Paul. Diac. the two following articles: (1) 'Remores aves in auspicio dicuntur quae acturum aliquid remorari compellunt;' (2) 'Remurinus ager dictus quia possessus est a Remo et habitatio Remi Remona. Sed et locus in summo Aventino Remoria dicitur, ubi Remus de urbe condenda fuerat auspicatus.' These statements seem to explain not only the form of Remus' name, but much of his history. 'Remores aves,' being the name in augury of unlucky birds, were taken to be the birds of the unlucky brother, and his name, which was perhaps originally *Romus* (as the Greek writers generally call him), may have been corrupted into *Remus* to suit the etymology. If there was a place on the Aventine called 'Remoria' for some reason connected with augury, it would be instantly assumed as the place where the unlucky birds of Remus had appeared; and this being connected with the neglected character of the Aventine as compared with the splendour of the Palatine, would suggest the whole story which is contained in Livy 1. 6 and 7.

Nothing further requires to be explained in Remus except his death. This happens just when the story demands that Romulus shall be left alone to govern the new city. The story of his death is aetiological, that is, it is introduced to account for an existing usage. The Etruscan sacred books, which laid down many rules to be observed in founding a city, spoke of the inviolability of its walls. Festus says: '*Rituales* nominantur Etruscorum libri in quibus praescriptum est, quo ritu condantur urbes, aerae, aedes sacrentur, *qua sanctitate muri*, quo jure portae . . . ordinentur,' &c. In describing the foundation of Rome, therefore, the old historians explained the doctrine of the inviolability of its walls

by representing Remus as slaughtered by his brother for leaping over them, and as denouncing a curse on all who should thereafter do the like. The later historians (Ovid Fast. 4. 843), shocked at the fratricide, call the murderer Celer.

### IX. *Romulus as king.*

The account of Romulus' reign may be explained as chiefly aetiological. We know the facility with which the Attic orators, when they refer to an ancient law, ascribe it to Solon. By this they meant simply that it was ancient. In like manner a number of institutions in Rome, which were really of unknown origin, seem to have been attributed to Romulus. But as he figures as a hero, the historians referred to him warlike institutions by preference, and of peaceful ones only those which must necessarily have been established at the foundation of the city. In Livy 1. 8, is an account of some of the institutions of Romulus. But sometimes the aetiological character of the story is less evident, particularly in the most romantic incident of Romulus' biography, the rape of the Sabines.

On some of the circumstances of this legend see notes on Livy 1. 9. In the main it seems an attempt to explain some of the ceremonies of a Roman wedding. These ceremonies proceeded on the theory that the bride was taken by force. She was torn violently from her mother's arms ('rapi simulatur virgo ex gremio matris,' Festus s. v. Rapi). Her hair was parted with a spear. No marriage could be celebrated on a 'dies feriatus,' because no act of violence could be done on such a day (Plut. Quaest. Rom. 105; Macr. Sat. 1. 15. The same notion is dwelt on by Catullus 61. 3, and see 62. 24; 'Quid faciunt hostes capta crudelius urbe?'). For the most probable explanation of these customs see Mr. MacLennan's ingenious 'Essay on Primitive Marriage.' But the Romans themselves explained them by a story, and, to express their immemorial antiquity, connected it with Romulus.

It is possible that the tradition of the Asylum is in like manner aetiological. There was a spot between the 'Arx' and the 'Capitolium' which was fenced round (Dio Cass. 47. 19), and therefore inaccessible (*ἀσυλον*), and was apparently regarded as sacred. It seems that nothing was known about it, nor are the historians able to say to what god it was dedicated. (Dion. 2. 15; Plutarch, Rom. 9.) Having thus no tradition connected with it, it lay at the service of any mythologer who might desire to fit it into a legend. Now the belief that Rome grew up from a gathering of robbers and runaway slaves, though contrary to all the little evidence we have about its earliest condition, yet sprang up quite

naturally. Some of the oldest institutions, such as those marriage ceremonies just mentioned, were perceived to have a fierce and wild character; and the tendency of civic institutions being to soften manners and improve morality, the earliest historical speculators assumed that those among whom these institutions were, for the first time introduced must have been a lawless and disorderly rabble. There is a similar legend of the original population of Locri (*ἀποικία δραπετῶν οἰκετῶν, μοιχῶν, ἀνδραποδιστῶν*, Polyb. 12. 8, 2). When once the rape of the Sabines had become a matter of belief, it was impossible not to take this view of the original Romans. Some Greek mythologer may have taken the remaining step, and introduced the notion of an Asylum opened by Romulus, into which all criminals who flocked acquired the inviolability of suppliants. Such an institution was altogether strange to the Romans, and Dio Cassius tells us (47. 19) that when the right of sanctuary was given to the temple of Julius Caesar, it was the only instance of such a privilege since the Asylum of Romulus. But it is possible that a 'jus exulandi' between the Romans and Latins may, as Ihne thinks, have lent some countenance to the invention (Ihne, Researches, &c. p. 25), and 'the bricks were there to testify it,' i. e. the enclosed space 'inter duos lucos,' which, to be sure, was not on the Palatine, but on the Capitoline.

Of the wars of Romulus there is nothing to be said. A warlike hero must fight and win victories. This seems the simple explanation of all of them, except that with Tatius. They are rhetorical amplifications of a few vague traditions of ancient wars between Rome and the Crustumines, Antemnates, &c. An opportunity is taken in one of them to claim for Romulus the time-honoured institution of the 'spolia opima.'

The Sabine settlement will be most conveniently discussed under the head of Tatius, and the translation of Romulus under that of Quirinus.

#### X. *Tatius and Tarpeia.*

The legends we have hitherto considered not only seem not historical, but it is not even necessary to suppose that they disguise history. They are not exaggerations or perversions, however extravagant, of incidents which really happened in the eighth century before Christ, but confused and imaginative attempts to account for institutions and worships which existed in the third and fourth centuries. The story of the Sabine settlement, on the other hand, may probably contain a historical fact really belonging to a very early period; that is, there may have been in the earliest age of Rome a Sabine settlement on the Quirinal. In the form, however, in which it appears, it is like the other legends. We are

concerned at present with the manner in which it acquired this form, not with the truth which the form conceals.

About Titus Tatius we are left very much in the dark. His importance seems to be derived from the fact that he was at the same time the eponym of two distinct corporations. The 'Sodales Titii,' like the 'Fratres Arvales,' were a religious brotherhood, but we have exceedingly little information about it. All that we know is that it lasted into the imperial times (Becker, *Röm. Alt.* 4. 147), that its object was the maintenance of Sabine rites, and that Tatius was supposed to be its founder (Tac. *Ann.* 1. 54: 'Ut quondam T. Tatius retinendis Sabinorum sacrī sodales Titios instituerat'). Tatius was also, no doubt, regarded as the founder of that very ancient tribe, the Titienses, of which also we know very little. But his relation to these two institutions is sufficient to explain the position he occupies in the history. That he must have shared royalty with Romulus was inferred from the fact that the Titienses, that is, his followers, were of equal dignity with the Ramnes, the followers of Romulus. That he was a Sabine followed from the Sabine rites practised by the 'Sodales Titii.' That in the case of Tatius also a deity has been Euhemerized is probable, both from his giving his name to the religious brotherhood of the Titii, and from the fact attested by Varro (*L. L.* 5. 152), that yearly offerings were brought to his (so-called) tomb on the Aventine.

The same is stated of Tarpeia. Dionysius says (2. 40): *χοὰς αὐτῆς Φωμαῖος καὶ ἔκαστον ἐναντὸν ἀποτελοῦσιν.* This is the more to be remarked, because—though a great king might be worshipped after his death, if this had been a Roman usage—Tarpeia would hardly be deified for betraying a fortress. We must here again suppose an ancient worship, the meaning of which had become forgotten; and that, as usual, what is called her grave was simply her temple. It appears that near it there was a gate, which for some ceremonial reason was always kept open. This may have suggested the fancy that Tarpeia had opened the door to the Sabines. Dionysius 10. 14: *εἰσὶ γάρ τινες ἵερα πύλαι τοῦ Καπιτωλίου κατά τι θέσφατον ἀνειμέναι.*

The story of the battle between Romulus and Tatius is connected with the temple of Juppiter Stator on the Palatine. Juppiter Stator is the god that rallies troops and stays flight. We are told that M. Atilius Regulus, in 294, vowed a temple to him during a battle with the Samnites (Livy 10. 36). This temple, however, was built in Rome, so that we are not to suppose that such temples were usually built on the spot where the tide of battle turned. The Greek custom, however, of erecting memorials on the spot where the victory was won came in later (see

Dict. of Ant. s. v. *Tropaeum*). In these later times it was natural to conjecture that the ancient temple of Juppiter Stator marked the place where a battle had been decided, and this could only be a battle between the earliest Palatine city and its neighbours. Besides the temple of Juppiter Stator on the Palatine, the temple of Janus on the north side of the Forum was commonly connected with the war between Romulus and Tatius (see Ov. *Fast.* 1. 259). The custom of keeping its doors open in war and shut in peace may have suggested that it had once marked the passage through which troops went out to war. Its position would suit best a war between the Palatine and Sabine settlements. Further, the Janus worshipped in this temple had the epithet Quirinus. The Roman antiquaries differed much in their explanation of this word. Some connected it with the earliest Sabines, others with Romulus; but both schools would be satisfied to connect the temple with a battle between Romulus and the Sabines. The incident related of Mettius Curtius is evidently an attempt to explain the 'Lacus Curtius' in the Forum. On the name Mettius, see below on 'Mettius Fuffetius.'

#### XI. *Quirinus and Hersilia.*

The etymology of Quirinus and Quirites is still undecided. But this does not affect the question how it happened that Quirinus was supposed to be the name of Romulus after his deification. 'Quirites' was a name given to all Roman citizens; accordingly, as they believed that they were called Romani from Romulus, they also believed that they were called Quirites from Quirinus, and hence it followed that Romulus and Quirinus must be the same. But the invention is unusually transparent, for the identity of Romulus and Quirinus is quite unknown to many of our authorities. For example, Dionysius (2. 48) gives a totally different account of Quirinus, describing him as an ancient Sabine deity answering to the Greek *Ἐννάλιος*, and he adds that the Romans themselves were doubtful whether he was identical with Mars, or a distinct deity (*Κυρῖνον δύναζοντιν οὐκ ἔχοντες εἰπεῖν τὸ ἀκριβὲς εἶτε "Ἄρης ἐστὶν εἶτε ἔτερός τις δύοις "Ἄρει τιμᾶς ἔχων*), and this Dionysius gives on the authority of Varro. Nor does he even allude to the opinion that Quirinus was another name for Romulus, though, in 2. 62, he tells the story of Romulus assuming the name after his translation. Livy also passes it over, so that the story can hardly have been even commonly believed. Livy, however, calls Romulus' wife Hersilia, which name appears to be another form of Hora, who was worshipped along with Quirinus.

Quirinus seems properly to be an epithet, not a name; for we meet with Janus Quirinus and Juno Quiritis. What deity was really worshipped

under the name of Quirinus we may conjecture from the two following facts: (1) 'Ancilia,' or sacred shields, with a college of Salii to keep them, belonged to only two Italian deities, Mars and Quirinus—(see Livy 25. 5: 'Quid de ancibus vestris, Mars Gradive, tuque Quirine pater!'); (2) The 'flamines majores' belonged to three deities only, Juppiter, Mars, and Quirinus. The worship of Mars and Quirinus being thus similar, and different from the worship of all other deities, we may conclude that the deities were the same. Even those who believed Romulus to be Quirinus considered Romulus to be a son of Mars; and Dionysius, as we have seen, identifies Quirinus with the Greek *Ερνάλιος*.

With Romulus the mythological period of the history closes. The later characters may be not less unreal, but they can no longer be explained by Euhemerism. In quitting these mythological legends one reflection suggests itself. Among the Greeks we find men deified; among the Romans, gods humanised. Achilles and Ajax—whatever they may have been originally—are to Homer purely human beings, who descend to Hades with the other ghosts, but a later generation built temples and sacrificed to them. It is true that at a much later time the theory of Euhemerus sprang up in Greece, representing, for example, Jove to have been a king of Crete; but this was at a time when all religious belief had died out among cultivated Greeks. On the other hand, Faunus and Carmenta, and Acca Larentia and the rest, appear originally as deities, but a later generation converted them into men and women, and that with so little ceremony that they describe Acca Larentia, 'the mother of the Lares,' as being simply a prostitute. Yet the generation which did this was not by any means irreligious. On the contrary, Polybius, at a still later time, found the Romans profoundly religious. They had, in short, a spirit too serious, and an imagination too poor, to be successful mythologers.

## XII. *Numa Pompilius, and Egeria.*

The historians do not turn Egeria into a human being, but say that her appearances to Numa were a politic invention of Numa himself. The old Italians attributed to the gods of streams and fountains ('Lymphae') an influence over the mind, a power of producing both inspiration and insanity. Hence the words 'lymphatus' and 'lymphanticus.' Of these deities the most widely known in Latium were Juturna and Egeria. Egeria was worshipped at Aricia, where her name was connected with the legend of Diana and Virbius (Virg. Aen. 7. 763). The grove where Numa met her was shown outside the Porta Capena. Egeria is called

one of the 'Camenae,' or 'Casmenae.' Servius (Virg. Ecl. 7. 21) connects the 'Camenae' generally with fountains, and accounts for it by saying: 'Nam aquae motus musicam efficit, ut in hydraulia videmus.'

The story of Numa has less plausibility than any other part of the early Roman history. His biography is nothing but an account of the foundation of a religious system, or rather an enumeration of the religious institutions he founded. He exists simply as an explanation of certain religious usages; his very name, Numa, seems to mean lawgiver, and the only superfluous fact in his history is his second name, Pompilius. There seems no great probability in Ihne's opinion that it refers to the religious processions which he instituted, and it is not at all improbable that a king named Pompilius may really have reigned at Rome.

The imagination of the Romans could not be satisfied without a founder for the complicated religious system which they found existing amongst them, and yet they could not attribute it to Numa without falling into numberless inconsistencies. In the first place, as has been shown above, there existed independent traditions about almost every special usage, attributing it to some other founder. Secondly, many of the institutions attributed to him we find to have existed in other Latin towns from the earliest times. Livy himself remarks this of the Vestal Virgins, and it is true also of the 'Salii.' Accordingly the historians, especially Livy, are reduced to use vague expressions, which leave it doubtful whether he invented new ceremonies or introduced from abroad ceremonies already existing. It is not possible to represent him as an introducer of Sabine rites, for the rites mentioned are not specially Sabine, e. g. Livy speaks of the Vestal Virgins as 'Alba oriundum sacerdotium.' (Ihne, however, considers Alba to have been Sabine; see below, p. 42.) The Sabine origin attributed to Numa is sufficiently explained by the fact that the Sabine nation was noted for its religiousness (see below on the Sabine element, p. 70). When Numa's intercourse with Egeria ceased to be believed, it became desirable to find some other explanation of his wisdom, and hence arose the story of his being a pupil of Pythagoras, the only Greek philosopher who was well known to the Italians. This story involves a chronological mistake of about 200 years, nor is it easy to see that the earliest religious system of the Romans bore any resemblance to the Pythagorean discipline. Plutarch enumerates the following points of resemblance: (1) The Vestal fire in the midst of a round temple corresponds, he says (Numa 11), to the Pythagorean notion of a central fire, which they called *ēorūa*, in the midst of the round universe. But the worship of Vesta was certainly far older than Pythagoras, and goes back to a time far earlier than the separation of

the Greek and Italian races. (2) The worship of Tacita, or Muta, answers to the Pythagorean rule of silence (Numa 8). But there is no real resemblance. By worshipping Tacita the Romans did not mean that they considered silence a good thing. Tacita is simply an epithet belonging to the mother of the Lares ('Quis cum audiat deam Mutam tenere risum queat? Hanc esse dicunt ex qua sint nati Lares et ipsam Laram nominant vel Larundam.' Lactantius I. 20, 35). (3) Numa's discouragement of bloody sacrifices answers to the Pythagorean reverence for animal life. But, as Preller remarks (Röm. Myth. 115), there were bloody sacrifices in Numa's system (see Livy I. 20, 5). (4) Numa's prohibition of representations of the deity was Pythagorean. It seems to be true that the oldest Roman religion had no idols. It worshipped natural objects themselves: fountains, fire, stones (Juppiter Lapis). But to compare this with a philosophic disapproval of idolatry seems to be confounding the stage before idolatry with the stage after it.

### XIII. *Tullus Hostilius.*

This name, like the name Pompilius, cannot be explained mythically. Tullus is said to have been the grandson of that Hostius Hostilius who is described as distinguishing himself in the war between Romulus and the Sabines, and who, according to Pliny (H. N. 16. 4, p. 225), was the first man who earned a 'frondea corona' in the war with Fidenae. But there is reason to think that the original tradition only knew of one Hostilius. Victor (de Vir. Ill.) says Tullus Hostilius was made king on account of his services against the Sabines (i. e. under Romulus. Compare Val. Max. 3. 4, 1). It was natural that when the legends came to be chronologically arranged, and a reign of forty-three years was given to Numa, the difficulty of making Tullus, who himself reigned thirty-three years, a distinguished soldier long before the death of Romulus, should be felt, and escaped by supposing the soldier of Romulus to have been grandfather of the king Hostilius. The original notion probably was that, the monarchy being elective, Tullus could not become king without having distinguished himself in some way, and, as there were no wars in Numa's reign, he must have made his reputation in that of Romulus.

The notion that Hostilius was a warlike king was possibly suggested by his name, though in the early Latin it probably meant only 'son of a foreigner.' (Cic. de Off. I. 12.) As a warlike king, he was readily assumed as the founder of certain institutions connected with war, e. g. the 'Salii,' and the temples of Pavor and Pallor, and Florus says: 'Hic omnem militarem disciplinam artemque bellandi condidit.' When

he is described as the child who received the first 'bulla aurea' from Romulus, it is to be remembered that he was the only person the Romans knew of who could have been a child in Romulus' time. His winning the first 'frondea corona' is to be explained in the same way.

The account of the destruction of Alba can only partially be explained. Cluilius, king of Alba, takes the field against Rome, but dies during the campaign, and hands over his command to Mettius Fuffetius. This circumstance has a plausible air, because we do not at once see what could induce any one to invent it. But there was between Rome and Alba a ditch called the 'Fossa Cluilia,' which seems to have long formed the limit of the Roman territory (Livy 2. 39). The word 'Cluilia' may be connected with 'cloaca,' and derived from 'luere,' which in old Latin was equivalent to 'purgare' (Plin. N. H. 15. 36). But to the Romans of a later time it had become obscure, and they explained it, as usual, by a story. The decisive contest between Rome and Alba would naturally take place near the Fossa Cluilia, if this divided their territories. What more likely than that it was named after the Alban general? But apparently tradition said that the Alban general was Mettius Fuffetius. It was therefore necessary to kill Cluilius during the campaign, and to give his command to Mettius.

It is on other grounds likely that Mettius was the hero of the genuine tradition, for he appears to have been a demigod. Dionysius (2. 48) describes Modius Fabidius as a son of Quirinus the Sabine deity, and as the legendary founder of Cures. The name seems to be the same as Mettius Fuffetius (Ennius had Mettoi Fubettoi, Quint. 1. 5, 12). This explains the Mettius Curtius of the time of Romulus. But it is perplexing that Mettius Fuffetius in the story is not a Sabine, but an Alban. The Curiatii are also Albans, yet this name also appears to be Sabine, since we find a Sabine Curiatius Antro in Plutarch (Quaest. Rom. 5). It looks as if the whole story originally belonged to a war between Romans and Sabines, and had nothing to do with the destruction of Alba; or else as if we ought, with Ihne, to regard Alba as a Sabine settlement. No explanation seems to have been suggested of the strange death of Mettius. Something similar is related of Romulus, Livy 1. 16, 4. Mettius being a semi-divine person, might have been expected to disappear or be translated, like Romulus himself, Aeneas, Latinus. In the case of Romulus, the rationalizers explained the disappearance of his body by his having been torn to pieces. It is just possible that the death of Mettius is only a similar piece of perverse ingenuity.

The romance of the combat between the Horatii and the Curiatii cannot be accounted for. It is more like one of those ballads which

Niebuhr imagined to be the original source of the Roman history, than anything else in the Regal Period.

On the legend of the murder of Horatia, it may be sufficient to quote the explanation of Schömann: 'There was in the city an altar to Juno, surnamed Sororia, in the street which led from the Carinae to the Vicus Cyprus. At this altar some sacrifices were offered to Juno, the celebration of which was imposed upon the gens Horatia, though the expense was borne by the treasury. Close to the altar, in the same street, was a beam fixed in two opposite walls, just where you approached the altar; it was called the "sororium tigillum," from the neighbouring altar, and looked not unlike the yoke under which it was usual to make conquered enemies pass by way of ignominy. The Horatii then, when they offered the sacrifice, had to pass under this, it seems, with the head veiled, which suggested the invention of some crime committed against a sister, which was expiated by sacrifices offered to Juno Sororia, and by the passing of the sacrifices under the yoke. As it happened besides that in the neighbourhood there was an altar of Janus Curiatius, whose name necessarily suggested the Alban Curiatii, the conjecture naturally occurred that Janus had taken his epithet from the combat of the trigemini, and that the Horatius who had committed the crime against his sister was the same who had fought with the Curiatii.' Besides the 'sororium tigillum' and the 'Janus Curiatius' this legend is connected with the 'Pila Horatia' in the Forum. On this Mr. Burn writes as follows (p. 104): 'A pillar at the corner of one of the arcades containing shops was called the Pila Horatia, in memory of the battle of the Horatii and Curiatii in the Alban war.. Upon it, according to Dionysius, had been fixed the armour taken by the surviving Horatius from the vanquished Curiatii. The word "pila" may either mean the column of the arcade upon which the armour was fixed, or the weapons themselves; and the Latin writers seem to understand it as referring to the latter, while Dionysius translates it by *στρυκίς*. It is most probable that the ambiguity of the expression was intentional, for, on the one hand, the columns of the arcades in the forum were certainly called "pilae," and on the other, the words "pila" and "spolia" are joined by Livy as if referring to the same thing.'

When we read that Tullus was the founder of the quaestorship ('Sane crebrior apud veteres opinio est T. Hostilium primum in rempublicam induxisse quaestores,' Dig. 1. 13, 1), the fact seems to be inferred from the trial of Horatius. The account of this trial is taken by Livy from the books of the pontiffs, as we may gather from Cic. de Rep. 2. 31, 54 ('Provocationem etiam a regibus fuisse declarant pontificii libri; signifi-

cant nostri etiam augurales'). We may suppose that the law of perduellio was stated in those books in the form of a story, and connected with the name of king Tullus.

#### XIV. *Ancus Marcius.*

Mars being a god of prophecy, the name Marcius was connected with divination and priesthood. A collection of prophecies current among the Romans went by the name of 'Carmina Marciorum,' and the first Pontifex is said to have been named Numa Marcius (Livy 1. 20). This may be the explanation of the fact that Ancus Marcius is represented as a second Numa, and as recalling the people, after the warlike reign of Tullus, to peace and religion.

The principal event in the reign of Ancus is the settlement of Latins on the Aventine. This was the plebeian quarter of Rome, and the creation of it was possibly attributed to this king on account of his name Ancus, which is connected with 'ancilla,' and means 'servant.' We shall see below how much of the story of Servius Tullius was suggested by the similar meaning of his name Servius. That the name of a king should be 'servant,' suggested that he must have reigned by flattering the lower orders ('omnia serviliter pro dominatione'). Hence Virgil's description :

‘Jactantior Ancus  
Nunc quoque jam nimium gaudens popularibus auris.’

And hence the notion that he was the creator of the people's quarter.

The creation of the people's quarter is quite a different thing from the creation of the 'plebs,' which we always find described as principally a rural population. Niebuhr's representation of Ancus as a second Romulus, creating the 'plebs' as Romulus created the patricians, is not justified by the authorities, which always describe the 'plebs' as existing from the beginning. But that he created the people's quarter on the Aventine is contradicted by the story of the secession to the Aventine, which Livy mentions (2. 32, 3) as current, and which Cicero sanctions (pro Mur. 7); contrary also to a statement of Dionysius (10. 31) that a Lex Icilia was passed to grant out the Aventine among the plebeians. Nor is any such thing heard of elsewhere in Roman history as the transplanting of whole populations from one town to another. The occupation of the Aventine by the plebeians appears to have taken place later, and perhaps gradually, but the historians, after accounting in succession for the settlements on the Palatine, Capitoline, and Caelian, proceed to ascribe the more plebeian settlement to the fourth king, whose name suggested a connection with the lower orders.

Livy seems to have found it stated in his authorities that the fetial law was introduced by Ancus; but having already mentioned the 'fetiales' in his account of Tullus (1. 24), he avoids distinctly asserting it (1. 32, 5). Cicero (de Rep. 2. 17) makes Tullus the founder of the fetial law, and Dionysius (2. 72) Numa. The fetial law being partly warlike and partly peaceful, the historians were doubtful whether it ought to be attributed to a warlike or a peaceful king. It is said to have been adopted from the Aequiculi, which appears at first a sober statement, but the treatise on names attributed to Valerius Maximus (629 ed. Kapp.), by going too far, betrays the imposture. He adds that the original inventor was a king of the Aequiculi named Sertor Resius. It is evident that this name is nothing but a disguised form of 'assertor rerum,' the function of the fetial being 'res repetere,' or 'asserere'; and following this clue we discover that the Aequiculi are only the people 'qui aequum colunt.'

The ancient prison is attributed to Marcius. This is the prison which had the subterranean chamber called 'Tullianum,' described by Sallust (Cat. 55). It goes by the name of 'Carcer Mamertinus,' and nothing is more natural than to suppose that this name led to its being ascribed to Marcius. The ancients, however, never call it 'Mamertinus,' but either simply 'Carcer' or 'Tullianum' ('The Tullianum was, however, in reality, as its name denotes, the old well-house at the foot of the Capitol, and was only in later times made use of as part of the prison when a prisoner was doomed to be killed by cold and starvation,' Burn's 'Rome and the Campagna,' p. 81); and it is uncertain whether the name 'Mamertinus' rests on a tradition descending from antiquity, or is an invention of the middle ages. All that can be said, therefore, is that the name 'Mamertinus' offers a possible explanation of the story which attributes the prison to Marcius, and, on the other hand, that that story favours the antiquity of the name 'Mamertinus.'

#### XV. *Tarquinius Priscus.*

We can scarcely doubt that a house of Tarquins reigned at Rome, both because the revolution which led to the establishment of the republic was of a kind to be long remembered, and because documents bearing the name of Tarquin possibly existed in no very small number; among which Dionysius expressly mentions, as existing in his own time, a treaty with Gabii. With the name Tarquinius to start from, the first incidents in the life of the elder Tarquin followed readily by a series of inferences. Tarquinius, they argued, means a native of Tarquinii. The founder of the house, therefore, was an Etruscan. His first name,

Lucius, is evidently a corruption of 'Lucumo,' the Etruscan title of nobility (Dion. 3. 48). So that Lucius Tarquinius Priscus means 'the nobleman from Tarquinii, the eldest of the name.' In this explanation it was overlooked that no *name*, properly speaking, is left to Tarquin at all, and that he is supposed to have been known through life by a mere description. It being settled that he was an Etruscan, the next question was, How could a foreigner rise to become king at Rome? The answer was given in the story of his becoming guardian to the sons of Ancus and overreaching them by a stratagem. It was also obvious to attribute to him everything in Roman usages which appeared to have an Etruscan origin, the royal insignia, &c. The wife of Tarquin, in the oldest tradition, seems to be Gaia Caecilia (Festus s. v. Praedia); but when he was imagined to be an Etruscan, an Etruscan wife was given to him, Tanaquil. As an Etruscan she has the power of divination, and hence an opportunity is gained for decking out the biography with prodigies. Pliny says (H. N. 8. 74): 'Tanaquil quae eadem Gaia Caecilia vocata est.' These double names commonly indicate an attempt to weave together conflicting traditions.

But it was not enough to know that Tarquin was an Etruscan from Tarquinii; more precise information about his pedigree was desired. Demaratus of Corinth is to Etruria what Evander is to Rome, the missionary of Greek culture. The passages which describe him in this way are Tac. Ann. 11. 14. (where he is mentioned along with Evander); Pliny 35. 5. and 43; Strab. 5. 2, 2. We cannot positively pronounce him, like Evander, a mythical character, but legendary matter had certainly gathered round his name. He is accompanied by artists whose significant names betray the invention of fabulists, Euchir and Eugrammus. This personage then is represented as the father of Tarquin. The statement has nothing impossible or absurd about it. That it is even extremely improbable that the Romans should accept such an adventurer as their king it might be rash to affirm. But it is just as easy to regard it as a myth, and to consider Demaratus as the last of those fabulous Greek founders of whom we have had so many, and to class him with Aeneas, Ulysses, Evander.

The foundation of the 'Circus Maximus,' and of the 'ludi Romani,' is perhaps attributed to Tarquin on the same ground of his Etruscan origin, for the Romans believed themselves in such matters to have borrowed much from Etruria. Livy (1. 35, 15) says, in describing the new institution: 'Ludicrum fuit equi pugilesque ex Etruria maxime acciti.'

A great political reform is attributed to this king, the creation of

the 'patres minorum gentium' and of the additional equestrian centuries. The reforms did no doubt take place, and may have been the work of a Tarquin. No reason has been suggested which might lead the historians to conjecture, in the absence of real knowledge or tradition, that the fact was so.

The same is to be said of the foundation of the Capitoline temple. When the foundation is said to have been laid by Priscus, and the work completed by Superbus, we are probably to understand that the traditions varied between the two Tarquins, and that this contrivance for reconciling them was adopted. The general fact that the temple was founded by a Tarquin seems to rest upon an old and, not improbably, a true tradition.

The story of the resistance of Attus Navius to Tarquin and of the cutting of the whetstone grew up round a statue which stood in the 'comitium.' This statue was believed to be of Attus Navius, and near it there was a 'puteal.' A 'puteal' is the enclosure by which any place which had been struck by lightning was kept inviolate. The custom was to bury in such places a stone to represent the lightning ('in usu fuit ut augures vel aruspices adducti de Etruria certis temporibus fulmina transfigurata in lapides infra terram absconderent'). Pliny expressly says that this had been done at the spot in question in the 'comitium' (H. N. 15. 20: 'Colitur ficus arbor in foro ipso ac comitio nata, sacra fulguribus ibi conditis'). The legend of Attus Navius connects the statue with the 'puteal,' and represents the whetstone and rasor as buried in the enclosure. A stone probably was buried there, and Hartung suggests that a piece of steel was buried with it, flint and steel being taken to represent lightning. Probably the growth of the legend was assisted by the attitude of the statue, and something like a rasor and whetstone that he may have carried in his hand.

#### XVI. *Servius Tullius.*

It can hardly be said that as we advance the history grows more consistent and credible. Of Servius' origin we have six or seven different accounts, most of them resting on an etymology of his name, and some of them mythological. The name Servius is a common Latin praenomen, found particularly in the 'gens Sulpicia,' but it means, or seems to mean, 'son of a slave.' Accordingly, almost all the various accounts agree in making his mother a slave. His father is by some accounts the 'Lar Familiaris' of the house of Tarquin, and a legend is related about his birth reminding us of the story of Caeculus, founder of Praeneste (Virg. Aen. 7. 680), and of many other Italian

myths. It is also said that the slaves' holiday, or 'feriae servorum,' were held on the Ides of Sextilis, because that was the birthday of Servius (Plut. Qu. R. 100), or, according to another account, because on that day he dedicated the temple of Diana on the Aventine (Fest. p. 343); that the temple of Diana on the Aventine, which was founded by Servius, was an asylum for slaves, seems wrongly inferred by Schwegler from Dion. 4. 26. However, we are told by Pliny (H. N. 36. 70) that Servius, as the son of a Lar, was the founder of the 'Compitalia,' a feast particularly belonging to slaves. If we had only these traditions we should certainly draw the conclusion that Servius was a mythical being of the same order as Romulus, that he was a deity worshipped by slaves, being the son of a Lar and a nymph, Ocrisia. And, though there can be little doubt that a king Servius Tullius reigned at Rome, who was perhaps the author of the great reforms attributed to him, it is still possible that he was confounded with such a mythological being, who was also named Servius. The early part of Servius' biography is an attempt to answer the question, How could the son of a slave rise to be king? It is explained by the arts of Tanaquil and the guilt of the sons of Ancus. He reigns for a long time in defiance of the senate, but at last by his military successes procures their adhesion.

The account of Servius' reign is little more than an enumeration of the improvements made by him in the city and in the constitution. He is said to have added the Esquiline and Viminal to the city, to have completed the wall which had been commenced by Tarquinius Priscus, and to have been the author of the distribution of the people into tribes and into centuries. It is true that some of these institutions, particularly the last, may probably have been the work of some great contriving mind and powerful authority, and there is no particular reason to doubt, and perhaps much reason to believe, the tradition which names that authority Servius Tullius.

But Servius being once taken as a great legislator, historians were naturally tempted to attribute to him all institutions which appeared to belong to this stage of the history, and about the origin of which tradition was silent. When, therefore, we are told (Aur. Vict. de Vir. Ill. 7. 8) that he was the author of the Roman system of weights and measures, and of the first approaches towards coined money (Pliny, H. N. 33. 13), and of a multitude of law reforms (Dion. 4. 9), though such statements are not necessarily false, yet we see very plainly how they may have been invented.

The foundation of the temple of Diana by Servius, and the existence of the political league which met there, was attested, according to

Dionysius (4. 26), by a στήλη with an inscription in ancient Greek letters, which existed in his own time.

### XVII. *Tarquinius Superbus.*

Of this king's life some parts may be explained as aetiological. He is used to account for the existence of the Capitol. When it is said that two gods, Terminus and Juventas, refused to quit their seats on the Capitoline hill, this is simply an explanation of the fact that an altar of Juventas was to be seen there (Dion. 3. 69), and that in the 'cella' of Juppiter there was a stone resembling the stones which symbolised the god Terminus, but which was perhaps the ancient symbol of Juppiter himself. The story of the discovery of a head was merely a mistaken etymology of Capitolium. The story of the appearance of the Sibyl and of the acquisition of the Sibylline books is also aetiological. So venerated a treasure must have had a marvellous origin, and the legend we find is precisely of the kind we should expect. It is connected by some writers not with Superbus, but with Priscus.

That Brutus affected to be of weak intellect, and so escaped suspicion, appears to be an inference from his name, 'brutus' being equivalent to 'iners.' It is true that the cognomen was always of the nature of a nickname, and that the first Brutus must have been so called for some such reason; but that this particular Brutus was the person seems somewhat inconsistent with his holding the office of 'Tribunus Celerum' (see however note on 59. 10). A new source of fiction here presents itself. We find two stories distinctly borrowed from Herodotus. The stratagem by which Sextus took Gabii appears to be borrowed from that used by Zopyrus against Babylon (Her. 3. 154), and Tarquin striking off the heads of the poppies is imitated from Thrasybulus (Her. 5. 92).

This, however, is almost all that can be said, and even of this much has no great probability, in explanation of the origin of this part of the history. There remain a number of incidents which together make up a very picturesque and brilliant narrative, but of the origin of which we can give no account. The legends of the earlier kings are for the most part poor, and want the merits both of fiction and of history; but the life of Superbus would furnish the argument for a tragedy not unlike Macbeth. It has indeed a number of improbabilities which will be pointed out in the notes, and which would excite suspicion, even if we could conceive a detailed history to be preserved orally for 250 years. But to the question how it came into existence, we cannot return the answers which have up to this point seemed satisfactory. Neither rationalism nor aetiology explains it. It

appears rather to be the work of a novelist, and of one acquainted with Greek literature. Not only in the direct plagiarisms above mentioned, but in the dramatic liveliness of the whole, we seem to trace an imitation of Herodotus.

The object of this examination of the history of the kings was not to show it to be false. The criticisms that have been made would in many cases have no force at all towards that object. That a story accounts for a usage or a building is not by itself any proof that it was invented to do so, or that it is not true. But if we have other reasons for believing it untrue, our disbelief will be strengthened if it is shown that there existed inducements to invent it. That the history of the kings, as it stands, cannot be accepted is to be inferred from other considerations, particularly the absence of evidence anything like contemporary, and the extreme inconsistency of the different accounts.

The object was to ascertain whether we may assume it to contain an element of truth.

The result we arrive at is, that it is easy to conceive most of the history arising in such a way that it would contain no element of truth; that it is not necessary to regard it as a tradition which in the course of transmission through many mouths has varied greatly from what it was in the mouths of the original, contemporary, and trustworthy witnesses; that it may just as probably have been constructed artificially from the beginning, partly out of mythological superstitions by rationalism, partly out of existing monuments of antiquity by aetiological conjecture.

On the aetiological theory which has been given above, and which is in the main that of Schwegler, Dr. Dyer, the last writer who has defended the traditional history with ability, remarks :

‘ We may observe at the outset that it is a mere guess or conjecture, unsupported by a single scrap of authority. We may further remark, that it is needlessly invented; for, as we have already shown, there were other methods, the existence of which rests on the best ancient testimony, by which the Roman history may have come down to us, namely, through the Annales Maximi, the Commentaries of the Pontifices, &c. The hypothesis of Schwegler, therefore, is not only a guess but a superfluous one.’

If we had good evidence that there existed a large mass of contemporary testimony from which our historians might have drawn their history of the kings, it would certainly be superfluous to imagine any other way in which they may have constructed it. Our confidence in most modern historians rests no doubt upon our knowledge that they had access to

the truth, and had therefore no inducement to invent. But on the most favourable view, on Dr. Dyer's own view, of the sources of the early history, it cannot be said that we know Livy and Dionysius to have had access to any copious contemporary account of the regal period. The utmost Dr. Dyer ought to consider himself to have proved is, that certainly there were some contemporary documents, that probably they were not nearly so few as has been supposed, that conceivably they were positively numerous and minute. On the other hand, it is quite possible, even granting all that he has urged, that the more unfavourable view is correct. I myself feel that the very best evidence we have about early documents is not such as ought to produce certainty; for example, that Dionysius may have been mistaken about the treaties of Servius Tullius and Tarquinius Superbus, and that Polybius may have been mistaken (Mommsen actually declares he was) about the early treaties between Rome and Carthage. In any case there is no analogy between the ordinary historian writing from an abundance of documents and Livy depending probably on few, and possibly on almost none, even though conceivably on a good many. About the former it is no doubt superfluous to inquire, unless some special cause of suspicion has arisen, in what other way besides from the documents his history may have arisen, because the antecedent probability is very great that it came from the documents. But in the case of Livy, who possibly had no early documents, it is by no means, as Dr. Dyer says, superfluous.

'But, at any rate,' says Dr. Dyer, 'Schwegler's theory is a mere guess, utterly unsupported.' It is true enough that Schwegler has sometimes used expressions implying that he meant it to be something more, and in the *résumé* of it given above I have sometimes said, The story arose in this way, instead of saying, The story *may have* arisen in this way. But strictly the argument *is* a mere guess, and should be presented as such. If we are able to imagine a way in which a story may have come to be believed without being true, if, taking account of all the circumstances, we find it a reasonably probable way, the story becomes at once uncertain, even if we have no evidence that it actually did come to be believed in that way. For the purpose, therefore, of invalidating the traditional history, Schwegler's theory wants no external support; it needs only internal probability. The hypothetical explanations given above vary much in probability; some of them appear to me so highly probable as quite to displace the alternative hypothesis, i. e. that the story is true. I have adopted none which did not seem to me to have probability enough to throw some uncertainty on the tradition.

On Dr. Dyer's vindication of the traditional history I proceed to say a

word. As that history has fallen into discredit in consequence (1) of an opinion that it rests upon scarcely any contemporary documents, and those of the most meagre kind, (2) of attention being called to its inconsistencies, there are two ways of vindicating it. The first is to show that it actually rests upon a large number of contemporary documents and those not meagre but copious.

Now, this Dr. Dyer has laboured hard to do, and apparently believes that he has done. But, as I have just said, the utmost his arguments would prove, if we allowed them, is, that the fact may possibly have been so, not that it actually was so. One thing is clear, viz. that the documents were few and insignificant compared with those from which the later periods of Roman history, the age of Cicero, or even the period of the Punic wars, have been recorded. The only dispute is, whether the documents, which were certainly few and meagre, were or were not very few and very meagre indeed. This the sceptical school believe they have made out, and Dr. Dyer, I am ready to admit, shows that they have not quite made it out. But the history remains discredited until the contrary can be proved. If we cannot feel quite certain that the documents were so insignificant as has been asserted, we are still further from being able to make out that they were considerable either in number or copiousness. The truth is, if the documents themselves were meagre, the evidence about the documents is more meagre still, and will not support any determinate conclusion.

Dr. Dyer would perhaps answer this by an argument which he uses more than once, viz. that the evidence, if slight, 'is the best evidence that can reasonably be expected in a matter of such high antiquity'<sup>1</sup>. The truth is, he differs from his opponents more on the principles of logic itself than on the facts to which they are applied. He believes that historical evidence gains in demonstrative power in proportion as it diminishes in quantity, and that it does so expressly in order to prevent the inconveniences that might otherwise arise. He believes that in a recent period we are right to require a great deal of evidence, because we can get it, but that in a remote period less is necessary, because less can be had. It follows immediately from this principle that Hesiod's Theogony is trustworthy history, because, though the statement of Hesiod about the marriages of Juppiter is in itself slight evidence, it is certainly 'the best that can be reasonably expected in a matter of such high antiquity.'

But if all we can know about the early documents is, that they were certainly few, and may have been very few, certainly meagre, and may

<sup>1</sup> P. 15. Cp. 396.

have been very meagre, it is still possible to vindicate the history in another way by showing it to be remarkably consistent. Ordinary consistency would prove nothing, but if the more it was examined the more consistent it appeared, if the consistency extended to minute details, then we might be willing to admit the probability that the sources, so imperfectly known, were really excellent, and therefore the history trustworthy.

The sceptical school have endeavoured to show that the history is full of improbabilities and inconsistencies. These are to be carefully distinguished. What is probable or improbable in a state of society so different from our own it is hard for us to decide. But inconsistencies are another matter, and the early history of Rome is so full of them that if we had the best reasons for believing it we should not know what to believe.

This would seem to be fatal, and, in fact, is so. But if it were possible to distinguish clearly among our authorities, to show that some of them are painstaking, conscientious, critical, and judicious, while others are careless, credulous, and dishonest, the inconsistencies might seem less important. We might conclude that we had before us a true history, and by its side a spurious one, the one to be accepted and the other to be simply rejected, rather than two histories of equal authority neutralizing each other. Something like this Dr. Dyer attempts. He disparages Dionysius and tries to exalt Livy into a Thucydides. But the insurmountable difficulty lies just in the impossibility of setting either of these writers decisively above the other. The work of Dionysius bears greater marks of diligence and research than that of Livy; on the other hand, it wants judgment and common sense. Livy has great merits, but they are of the literary and rhetorical kind. Any one who can persuade himself that Livy was a 'highly judicious' writer, that he subjected his materials to a 'searching critical examination,' may do so. My own study of him has led me to adopt the commoner opinion, that he is a very agreeable but a very careless writer, that he has very little faith in what he himself records of the primitive period, and that his chief care is to produce a fluent narrative in which the inconsistencies, though not removed, shall be smuggled out of sight.

And yet it is to be remembered that modern criticism does not go much further in scepticism than Livy himself (6. 1, 2), when he thus describes the early history in words which may stand at the close of this examination as by far the most important testimony left us on the subject, as 'a history obscure partly from extreme antiquity, like objects rendered almost indiscernible from distance, partly from the meagreness and rarity in those times of written documents, the only security for

trustworthy history, and besides from the fact that what records there were among the commentaries of the pontiffs, and other memorials public and private, perished for the most part in the conflagration of the city.'

### CHAPTER III.

#### WHAT CAN BE KNOWN ABOUT THE REGAL PERIOD?

Is it, then, possible to know anything about the early history of Rome? Nothing, I think, from the history books taken alone, and about that part of the history which deals with particular persons nothing from any source. But concerning the relation of the Romans to other nations and other Italian tribes, the growth of the state, the time and mode of the introduction into it of the different arts which constitute civilization, the development of its political, religious, and legal ideas, we may gather sufficient information to form an outline history. The principal sources of this information are these:—

1. The physical geography and topography of the region in which the history transacted itself. In this department much has lately been done, and perhaps much remains to be done. For a most elaborate survey of the subject, the reader is referred to Mr. Burn's 'Rome and the Campagna.'
2. Comparative philology. From this we may discover certain relations (1) between the Italians and other nations, (2) between the Romans and other Italian tribes, relations from which it will ultimately be possible to infer a series of historical facts respecting the migrations and intercourse of tribes. Other similar sources of information are
3. Comparative mythology.
4. Comparative law, the word 'law' being taken to comprehend usages of every kind.
5. Archaeology. In particular much may always be inferred in the history of a nation from the time at which the art of writing was introduced and the time at which it was popularized, and the relation of its alphabet to the alphabets of surrounding nations.
6. The later history of Rome. From the later history it is possible to infer a good many facts about the earlier. There existed in the historical period obsolete institutions which were relics of the old order of things, and therefore convey information about it. An example of this is the 'comitia curiata.' Other institutions which preserved vitality had yet peculiarities about them which can only be explained by certain hypotheses about the original constitution of Rome. Among these were the senate, the

'comitia centuriata,' &c. In making such hypotheses it is very easy to be rash, and Niebuhr's audacity in this respect has caused considerable confusion, while at the same time it has led to a much more complete investigation, and a much truer knowledge of the whole subject. Such hypotheses, however, are admitted in certain cases even by Lewis, who does not really deny Niebuhr's method, though he professes to do so, but only convicts Niebuhr, as he had been convicted long before in Germany, of rashness in applying it.

In an edition of Livy it would be out of place to enter into the vast subjects of comparative philology, mythology, and law. But no student should read Livy's history of the kings without considering what light is thrown upon it by the later history. I will therefore take the principal institutions of Regal Rome in order, and apply this method to them.

## INSTITUTIONS OF REGAL ROME.

### I. *The King.*

Some inferences may be drawn as to the powers of the king from the powers of the magistrates under the republic, since many of them had been inherited from the kings. We are told by Cicero (*de Rep.* 2. 13, 17, 18, 20, 21) that each king on his accession obtained a 'lex curiata de imperio,' which conferred certain powers upon him. Now this 'lex curiata de imperio' existed in historical times, and we are able to ascertain what powers it conferred. If, therefore, Cicero's statement be true, we obtain information about the powers attached to the king's office. That it is true appears extremely probable, (1) because the 'comitia curiata' is known as the original popular assembly of the Romans, and would be likely to hold in its hands the conferring of supreme power; (2) because we never read of this assembly as acquiring new powers, but always as losing those it originally had, and therefore its possessing this right in the case of the consuls is a strong presumption in favour of its having possessed it in the case of the kings; (3) because on such a point the Romans were likely to have trustworthy information preserved among the pontifical traditions.

What, then, was conferred by this 'lex'? (1) The command of the army ('Consuli si legem curiatam non habet attingere rem militarem non licet,' *Cic. de Leg. Agr.* 2. 12). This implied absolute authority in the field ('In bello sic paret [populus] ut regi,' *Cic. de Rep.* 1. 40). It also included the power of summoning and presiding over the 'comitia centuriata,' which was neither more nor less than the army. Accordingly we read in *Dio Cassius* (41. 43) that the Pompeian party at

Thessalonica (B.C. 48) refrained from holding the elections, although the consuls were with them, because they had not received the 'lex curiata' (ὅτι τὸν νόμον οἱ ὑπατοι τὸν φρατριατικὸν οὐκ ἔσενηρόχεσαν). (2) It conferred judicial power (see Dio Cassius, 39. 19 : ὁ γὰρ Κλάδιος οὐκ εἴα τὸν φρατριατικὸν νόμον εἰσενεχθῆναι, πρὶν γὰρ ἐκείνον τεθῆναι οὐκ ἀλλο τι τῶν σπουδαίων οὐτε δίκην οὐδεμίαν εἰσαχθῆναι ἔξην). Accordingly the consuls were in early times judges; and when praetors were introduced, they also received the 'imperium' by a 'lex curiata.' The king, therefore, was probably a military commander and a judge.

That he was also a priest we know from the fact that the 'rex sacrificulus' was appointed on the abolition of the monarchy to perform such sacrifices as could only be performed by a king.

From the relation of the senate in republican times to the consul it may be gathered, as will be shown below, that the king had had the right of forming and summoning the senate, and that their province was simply to give advice.

A single man who was at the same time commander-in-chief, judge and priest of the community, and the president both of the senate and popular assembly, could evidently become, if he had any force of character, a despot. And it is to be observed that these powers were even greater than they at first sight appear in the two following respects : (1) As there was no written code of laws at this time, the office of judge carried much greater power than after the promulgation of the Twelve Tables. The king's decisions were no doubt practically regulated to a considerable extent by custom, but theoretically his wisdom decided in every case what was right to be done. He had thus the power of creating as well as administering law, and there was no appeal from him if he should venture to throw off altogether the restraint of custom. (2) In the 'comitia' there was at no time any freedom of debate. Permission to speak could only be obtained by the favour of the presiding officer. We are therefore to regard the king when he presided in the 'comitia' as being the only speaker. The functions of the assembly itself were limited to an affirmative or negative vote on his proposals.

That the monarchy was really, as it is described, elective, is proved by the existence in later times of an office of 'interrex,' which implies that the kingly power did not devolve naturally upon a hereditary successor.

The fact that the 'interrex' was always obliged to be a patrician, and that the consulship was confined for a long period to patricians, makes it most probable that the king was chosen from the patricians, and renders the statements that Tarquin was an Etruscan adventurer and Servius the son of a slave improbable.

II. *The Patricians and Senate.*

Livy's statement, 'Patres ab honore, patriciique progenies eorum appellati' (1. 8, 7), was exploded by Niebuhr, who gave a different explanation of the patrician order. It was afterwards revived by Rubino, but Niebuhr's view holds its ground, and is still generally received. No question in the early history is more important than this, and it seems to me capable of solution.

Rubino urges first that our authorities are in favour of his view. Livy's statement is fully confirmed by Cic. de Rep. 2. 12, and the first words of it which explain the title 'patres' are confirmed by Sallust, Cat. 2. Plutarch also (Romul. 13) explains patricians as meaning senators. Dionysius (2. 8) is the only writer who regards the patricians as being so before they were senators. Of course this argument would be strong if these writers had any means of knowing the fact. If they had not, then their statements are conjecture, not testimony. Now the only authority they can be imagined to have had is the tradition of patrician families. If patrician families understood themselves to have derived their nobility from their connection with the original senate, such a tradition would have a certain value. We know, however, that many patrician families traced their nobility much further back, to Aeneas or to deities. It seems, therefore, that Livy's statement is not historical evidence, but conjecture. As the senators were called 'patres,' it was natural to suppose that the patricians had something to do with the senate, and the fact that the later 'nobilitas' had arisen out of the families of the 'magistratus' suggested that the patricians might have sprung from the families of 'patres.'

The origin of the patricians, then, cannot be discovered from testimony. It must be discovered, if at all, by inquiring what a patrician was in later times understood to be, and in what respect he differed from a plebeian.

(1) In historical times, until the emperors, the patricians were an absolutely closed corporation of families. Their number is said, indeed, to have been increased more than once under the kings, and shortly after the expulsion of the kings the 'gens Claudia' is said to have been added to the corporation. But from that time until the end of the republic there is no example of the foundation of a new patrician family. Mommsen shows that the statement about the 'gens Domitia,' which occurs in Suet. Ner. 1, need not be taken as an exception; nor does Livy, in 4. 4, 7, assert anything inconsistent with this fact, though

his language is rhetorical and exaggerated. In the historical times of the republic there were no means of gaining the patriciate except by adoption, and even the adoption of a plebeian by a patrician seems until the last age of the republic to have been very rare. In this respect the patriciate differs from the later 'nobilitas,' which was only difficult, not at all impossible, to attain.

- (2) Certain priesthoods were tenable only by patricians.
- (3) The office of 'interrex' was tenable only by patricians.
- (4) The patrician part of the senate had the right of choosing the 'interrex,' and the nominal right of sanctioning laws. (This much-disputed question will be fully discussed below.)

In fully historical times such was the patrician order, a definite number of families inheriting certain privileges of trifling political importance. But at an earlier time—

- (5) They had possessed exclusive eligibility to all offices and priesthoods;
- (6) There was no 'conubium' between them and the 'plebs'; (But it is to be observed that Livy and Cicero speak of this rule as having been introduced by the decemvirs.)
- (7) They were in exclusive possession of the legal and religious traditions of the state (Livy 4. 3; 9. 46; 6. 1.);
- (8) They were considered to be in exclusive possession of the favour of the gods and the 'auspicia';
- (9) Through the monopoly of office, of knowledge, and of sanctity, and also through superior wealth, they had in early times reduced the 'plebs' to complete subjection;
- (10) At this time they possessed such a majority, at least, in the senate, that it practically represented them.

So much may be fairly considered as sufficiently attested about the patrician order. Let us now turn to the senate, and consider it in the same way; first in fully historical times, next so far as we can get information about it in earlier times.

- (1) The senate, then, was a deliberative assembly, nominated by the two censors, who had the absolute power of admitting or expelling any man from it.
- (2) This power was practically regulated by a public feeling, according to which those who had held public office had a right to admission. These, with the public officers themselves during their year of office, seem in the later times of the republic to have entirely composed the senate.

(3) Before the establishment of the censorship, we read that the election of the senate was in the hands of the consuls (Livy 2. 1).

(4) As in the earlier time the number of public officers was much less, while the senate is represented from the time of Tarquinius Priscus as consisting of 300, the senate must then have consisted in great part of a non-official class.

(5) The public officers being at that time patrician, and the electing consuls patrician, we may be sure that the great majority, if not the whole body, of the senate was then patrician.

(6) Though it had great practical power under the republic, yet essentially it was but an advising body. It was summoned at the pleasure of the consul, who could fine those who absented themselves, and who directed the debate and terminated it at pleasure. The members had no right to give their opinion, except on being asked by the presiding officer.

(7) From this character of the senate in the early republican times, chosen by the consul and directed by him, we may infer its character under the kings. It was no popular or representative assembly, but a body of counsellors summoned at the pleasure of the king, chosen by him, and assisting him humbly with its advice. This view is confirmed by all the traditions of the regal time.

Such being the character of the senate, it is Rubino's view that the patrician order formed itself out of the families of the first senate. He points out how the 'nobilitas' of later times arose in the same way; men gained office, and by that means a seat in the senate, and were able to transmit to their families such prestige that office and senatorial rank became a monopoly in these families. But it may be answered, (1) that this prestige attached not to membership of the senate alone, but to that and office together. The family of a consul was naturally in a manner ennobled. But under the kings the public offices were exceedingly few, and of insignificant dignity, being eclipsed by the royalty. (2) Everything shows that the senate was a much more powerful body under the republic than under the monarchy. It was a much greater distinction to be a member of the republican senate, which was really the governing power in the state, than of the monarchical senate, which was a submissive assembly of subjects. (3) The later 'nobilitas' acquired substantial power and wealth through office, for office admitted them to lucrative provincial governments, and greatly increased their reputation as pleaders. But it does not appear how the families of the original senators could have gained that monopoly of the wealth and property of the state which the patricians are described as enjoying at the time of the first secession.

Again, Rubino's theory requires us to assume that at the time when the first senate was chosen there existed no distinction of noble

and commoner in the population. It is true he does not assume this. He represents Romulus as choosing his senate out of an already existing class of nobles, and in this way he avoids the objection that many of the patrician houses are known to have traced their nobility far higher than the foundation of the city. But if so, what became of those nobles who were not included in the first senate? The heads of great 'gentes' owning large possessions, and attended by troops of clients, would not cease to be noble because they were not summoned to the senate; and yet we read of no other order of nobility in the early time but the patricians.

It is to be observed that the question of the origin of the patrician order is quite distinct from that of the origin of the word 'patrician.' The order may have existed long before the senate, and yet its name may be derived from its close connection with the senate.

For these reasons any sudden creation of the patrician order seems incredible. Niebuhr's theory of its origin is supported by a few slight indications, which, however, become weighty evidence when the better-known history of some Greek states is compared with that of Rome.

In Livy (10. 8. 4) it is said of the patricians: 'Semper ista auditae sunt eadem, penes vos auspicia esse, *vos solos gentem habere*.' We read constantly of plebeians as belonging to 'gentes,' but it seems from this passage that the patricians held the institution of the 'gens' to belong in strictness only to their own order. It is a confirmation of this that, after the condemnation of M. Manlius Capitolinus, the 'gens Manlia' decreed that henceforth no patrician of their body should bear the name of Marcus (Cic. Phil. 1. 13), as though they had no concern with the plebeian members of it.

Now the institution of the 'gens' was not peculiar to Rome, but was widely spread through all the nations of antiquity. At Athens the γένη were organized into φαρπίαι and φυλαί, in a manner precisely parallel to the Roman organization of the 'gentes' into 'curiae' and 'tribus.' Now at Athens we find that up to the time of Clisthenes the members of these 'gentes' monopolized all offices, but that by him a new arrangement was made, introducing to political power the large miscellaneous population which had grown up outside them. Yet neither was this outside population introduced into the 'gentes,' nor were the 'gentes' abolished. They retained their dignity, their religious character, and their peculiar usages, but they lost their political importance.

When we observe that the 'gentes' at Athens had originally a monopoly of office, and that the class at Rome which had originally a monopoly of office claimed to be the only proper members of the

'gentes,' we can scarcely resist the conclusion that the two aristocracies were of the same kind. If so, we may lay it down that the patricians were the members of ancient clans who claimed political privilege on the ground of being the original citizens, and that the plebeians were the population which had gradually grown up round them, through the settlement of strangers in the country, the emancipation of slaves, and other similar causes.

If a plebeian was not in strictness a member of a 'gens,' it follows that neither was he strictly a member of a 'curia.' The 'comitia curiata' therefore must have consisted originally of patricians only. Thus we make our way back to a time when the plebeians were politically non-existent, the state being governed by a king elected from the patricians, a council of chiefs, the elders, 'senatus,' of the clans, and the general assembly of the clans, 'comitia curiata.'

So far Niebuhr seems right, but in two points it is necessary to differ from him. (1) In his assertion that the 'comitia curiata' was even in later times exclusively patrician. This will be discussed below. (2) In supposing the senate to have been originally elected by the 'comitia curiata.' This is rendered extremely improbable; first, by the fact that the senate was never in historical times chosen by popular election, but nominated at first by the consuls, afterwards by the censors, which suggests that it had originally been nominated by the king; secondly, by the analogy of the primitive Greek constitutions in Homer, where the chiefs are quite independent of the people, and by that of the constitution of the Athenian Areopagus and the Spartan *γερουσία*.

The meaning of the name 'patrician' may now be considered. In the plural Livy and Cicero say either 'patricii' or 'patres.' That 'patres' is used for the patricians as well as for the senators has been denied, but is proved conclusively by the passages quoted in Becker (Alterth. 2. 1, p. 143), e. g. Livy 2. 23; 4. 43; Cic. de Rep. 2. 37. In the singular we find neither 'pater' nor 'patricius,' but 'vir patricius' or 'vir patriciae gentis.' The word 'patricius' is evidently an adjective. Niebuhr regards the senate as the assembly of heads of houses, or 'patres familias,' and each patrician as being 'pater' to his family and 'patronus' to his clients. It is against this that 'pater' is never in any clear instance used for a patrician, and also that a man might be a patrician without being a 'pater familias.' It is evident also, from Livy's statement ('patres ab honore,' &c.), that, though he elsewhere uses 'patres' of the patricians, he believes it to refer properly in the first instance to the senate. Probably the senators were first called 'patres' either as being predominantly heads of families, or as being elderly men (*senatus*, cf. *γερουσία*, *δημογέροντες*), and

afterwards the patrician body took their name from the assembly which best represented them.

### III. *The 'Comitia Curiata.'*

Of the public assemblies of the republic the 'Comitia Curiata' is evidently the most ancient. The tradition which attributes the 'Comitia Centuriata' to the last king but one, and the 'Comitia Tributa' to the early republic, is in itself of value, and is confirmed by the character of those institutions. We may therefore regard the 'Comitia Curiata' as the assembly of monarchical Rome. The questions for us, then, are, What is known of this assembly in the later period? and what can be thence inferred concerning the assembly in the earlier period?

(1) The 'comitia curiata' gave the 'imperium' to certain magistrates, as the consuls, praetors, pro-consuls, pro-praetors. What powers were conferred by this 'lex curiata de imperio' has been stated above. (See on the King.)

(2) Wills were made and the ceremony of 'arrogatio' performed in the presence of the 'curiae.' 'Arrogatio' was the ceremony by which a man adopted as his son any person who was 'sui juris.' There is no instance of its being performed in any assembly except the 'comitia curiata,' though it was proposed to bring the case of Clodius before the 'comitia centuriata' ('Is ad plebem P. Clodium traducit; idemque fert ut universus populus in Campo Martio suffragium de re Clodii ferat,' Cic. ad Att. 1. 18, 4).

(3) The next question is, Of whom was the assembly composed? It is Niebuhr's theory that it consisted always of patricians solely. This has been generally received, but has been denied by Schömann, and more recently by Mommsen. The question is intricate, because the argument for Niebuhr's theory assumes another theory of Niebuhr, that the phrase 'concilium populi' where it occurs in Livy means the 'comitia curiata,' 'populus' having the sense not of the whole people but of the original citizens, that is, the patricians. Putting this question aside for the present, we will examine the few passages where the 'comitia curiata' is spoken of by name, and consider whether it is regarded as a patrician assembly.

In Livy 5. 52 the 'comitia curiata' and the 'comitia centuriata' are mentioned together, a clause marking their specific character being subjoined to each. But instead of 'the comitia curiata, which patricians attend, the comitia centuriata, which comprehend the whole people,' we read, 'Comitia curiata, quae rem militarem continent: comitia centuriata, quibus

consules tribunosque militares creatis, ubi auspicato, nisi ubi assolent, fieri possunt?'

In the 'Oratio de Domo Sua,' ascribed to Cicero (c. 14), the writer pictures the disappearance of the patrician order: 'Jam patricius nemo relinquetur.' He mentions the institutions that would disappear along with it: 'Ita populus Romanus brevi tempore neque regem sacrorum, neque flamines, nec salios habebit, nec ex parte dimidia relicuos sacerdotes, neque auctores centuriatorum et curiaturum comitiorum; auspiciaque populi Romani, si magistratus patricii creati non sint, intereant necesse est, quum interrex nullus sit, quod et ipsum patricium esse et a patriciis prodi necesse est.' In this passage it is remarkable that the 'auctoritas patrum,' which was given to the acts both of the 'comitia curiata' and 'centuriata,' is described as a patrician institution, but the 'comitia curiata' itself is passed over. Nor can it be said that it is passed over because it had become a mere form, for so had the 'auctoritas patrum,' which is not passed over. It is quite impossible, I think, to doubt that the writer of this passage did not believe Niebuhr's doctrine; and though the writer is perhaps not Cicero, he is certainly an ancient witness.

The whole eleventh and twelfth chapters of Cicero's second speech 'De Lege Agraria' deal with the 'comitia curiata.' They contain an argument against the proposal that a certain Land Commission should be chosen by this body. The passage is not easy to understand throughout, but it is plain that the one objection which would have been made most prominent had the body been exclusively patrician, is either omitted or barely mentioned. He urges that a 'lex curiata' ought to be a subsequent confirmation of an election made in the other 'comitia.' 'Our ancestors decreed that you should vote twice in all elections; when a "lex centuriata" was passed for the censors, and a "lex curiata" for the other patrician magistrates, then a second decision was taken about the same persons, that there might be means of revising, if the "populus" should repent of its gift.' He does not say 'that the patricians may have a veto on the decisions of the people,' but 'that the people may have a means of expressing a change of opinion.' But he goes on, 'Nam, quia prima illa comitia tenetis, centuriata et tributa, curiata tantum auspiciorum caussa remanserunt. Hic autem tribunus plebis quia videbat potestatem neminem injussu populi aut plebis posse habere, curiatis ea comitiis, quae vos non sinitis [initis Baiter, after Lauredanus] confirmavit; tributa, quae vestra erant, sustulit.' Here it may, at first sight, seem that the exclusive character of the assembly is asserted, and applying Niebuhr's notion that 'populus' and 'plebs' are mutually exclusive, we may explain, 'seeing that no one can hold office

but by vote of "populus" (i.e. patricians) or "plebs," he established the matter by means of the "comitia curiata," in which you have no place [or taking the other reading, which I decidedly prefer, 'he secured those measures which you oppose by the "comitia curiata"'], and took away the "comitia tributa," your own assembly.' Not to urge here my objection to this explanation of 'populus' (on which, below), how does this suit the next sentence? 'Ita cum majores binis comitiis voluerint vos de singulis magistratibus judicare, hic homo popularis ne unam quidem populo comitiorum potestatem reliquit.' Cicero's objection is not that the election is handed over to the patricians, but that there is no real election at all. Throughout the passage it will be seen that the patrician order is completely absent from Cicero's thoughts. If, therefore, we read 'initis' we must explain it, 'which you do not attend because it has become a mere form'; and whatever we hold about the word 'populus' in general, we must admit that here, at least, it cannot be exclusive of plebs, since it occurs in close connection with 'homo popularis,' a democrat. He goes on to point out that even this formal election by the 'comitia curiata' was to be dispensed with, and then says, 'Sint igitur decemviri neque veris comitiis, hoc est populi suffragiis, neque illis ad speciem atque ad usurpationem vetustatis per xxx lictores, auspiciorum caussa, adumbratis constituti.' This marks the real difference which Cicero sees between the assemblies, not that the 'curies' are patrician, but that their assembly is an obsolete assembly, doing business only for formal reasons, while the others have vitality.

In the passage quoted above about the adoption of Clodius it is said that it was proposed to bring the matter before the 'comitia centuriata,' in order that the whole people might vote upon it: This implies that in the 'comitia curiata' only a part of the people would vote, and it might be inferred that this part of the people must be the patricians. But comparing the passage with that just discussed from *De Leg. Agr.*, we should rather gather that 'universus populus' is contrasted with the thirty lictors who had taken the place of the original voters in the 'comitia curiata.'

Direct evidence, then, does not support Niebuhr's view. There are also circumstances which render it improbable. For example, officers called 'curiones' presided in the 'comitia curiata.' Now these officers were sometimes plebeian. Livy says (27. 8): 'Ita primus ex plebe creatus maximus curio C. Mamilius Vitulus.'

Again, the fact that the ceremony of 'arrogatio' was always performed before the 'comitia curiata' is against Niebuhr's view. If the assembly comprehended the whole people, it is intelligible that it should be sum-

moned to witness the act of adoption ; but if it was exclusively patrician, what control could it have over the concerns of plebeian families ? Yet that plebeians and patricians performed the act of adoption before it, appears from the case of Clodius. He was adopted by the plebeian Fonteius. And to Marquardt, who urges that the 'curiae' were necessary in this case to relieve the patrician Clodius from his obligations to his original 'gens,' Mommsen justly answers that the ceremony concerned the father, not the son. This appears from the formula preserved to us in Gellius (5. 19) : 'Rogationis verba haec sunt : Velitis jubeatis uti Lucius Valerius Lucio Titio tam jure legeque filius siet, quam si ex eo patre matreque familias ejus natus esset, utique ei vitae necisque in eum potestas siet uti patri endo filio est.' It seems incredible that an exclusively patrician assembly should have the power not merely of releasing a son from the 'potestas' of a patrician father, but of conferring the 'patria potestas' upon a plebeian.

Again, the 'comitia curiata' was simply the assembly of the people in its 'curiae.' If, then, the plebeians were members of the 'curiae,' how could they be excluded from the assembly ? But that they were members of the 'curiae' will not be doubted by any one who reads Ovid's description of the Fornacalia (Fasti 2. 507) :—

'Curio legitimis nunc Fornacalia verbis  
Maxinus indicit nec stata sacra facit ;  
Inque foro, multa circum pendente tabella,  
Signatur certa curia quaeque nota.  
Stultaque pars populi, quae sit sua curia, nescit,  
Sed facit extrema sacra relata die.'

Again, it may be said that indirectly we have the testimony of Cicero to the fact that in his time the 'comitia curiata' was an assembly of the whole nation. For in giving an account of the accession of Numa he says : 'Quanquam populus curiatis eum comitiis regem esse jusserset tamen ipse de suo imperio curiatam legem tulit' (de Rep. 2. 13, 25). Niebuhr holds that the word 'populus' in the authorities from which Cicero drew this statement means not the whole nation, but the original citizens or patricians. If we waive this question, it is certain that in Cicero's own time 'populus' had not this meaning, except perhaps in one or two formulae, of which more further on. It follows that Cicero meant to say that the whole nation elected Numa in the 'comitia curiata,' and however little this may prove that the 'comitia curiata' had originally included the 'plebs,' it is good evidence that in Cicero's own time, and within his experience, it did.

Not only Cicero, but Livy and Dionysius, are quite ignorant of this

exclusive character of the 'comitia curiata.' They uniformly represent the plebs as having a voice in it from the earliest times. Their evidence, like Cicero's, proves nothing for the early time, but much for their own age.

But, it is argued, we have express testimony that the assembly was patrician, for the sanction which it gave to laws and elections is expressly called an 'auctoritas patrum,' and the regular formula with reference to it is 'patres auctores fiunt.' When we inquire how it is proved that this refers to a decision of the 'comitia curiata,' the answer is as follows. (It will be found most fully and clearly stated in Becker, Alterth. 2. 1, pp. 316-327.)

In the first place the 'patres' spoken of can scarcely be the senate. This seems to follow from Livy 6. 42, where we read, in the account of the passing of the Licinian rogations, that the senate had yielded ('per ingentia certamina dictator senatusque victus, ut rogationes tribuniciae acciperentur'); and he then adds, 'Et ne is quidem finis certaminum fuit, quia patricii se auctores futuros negabant;' so that the 'auctoritas' was given (1) not by the senate, (2) but by some patrician body. With this agrees Sallust (Hist. Fr. 3. 6, 15, ed. Kritz): 'Libera ab *auctoribus patriciis* suffragia maiores vostri paravere.' Dionysius has the same expression (2. 60): *τῶν πατρικίων ἐπικυρωσάντων τὰ δόξαντα τῷ πλήθει*, and (6. 90): *καὶ τοὺς πατρικίους πείσαντες ἐπικυρῶσαι τὴν ἀρχήν*.

What, then, was this patrician assembly which sanctioned elections and laws? It is argued that it must necessarily be the 'comitia curiata,' and that the 'auctoritas' given is nothing but that 'lex curiata de imperio' of which mention has already been made. It is argued that the 'patrum auctoritas' and the 'lex curiata de imperio' are spoken of in the same terms by Cicero. Speaking of the latter, he says (de Leg. Agr. 2. 11): 'Majores de singulis magistratibus bis vos sententiam ferre voluerunt . . . . ut esset reprehendendi potestas, si populum beneficii sui poeniteret;' and of the former he says (pro Planc. 3): 'Nam si ita esset quod patres apud majores nostros tenere non potuerunt, ut reprehensores essent comitiorum,' &c. Again, it is a curious fact that, while Cicero de Republica, in his account of the accession of the successive kings, is careful to say of each one that he carried a 'lex curiata' about his own 'imperium' (de Rep. 2. 13, 17, 18, 20, 21), Livy omits this, but is equally careful to say that the 'patres' gave their 'auctoritas' to the appointment, so that it might appear that Livy and Cicero are stating the same fact in different language. This is the argument for the patrician assembly in question being the 'comitia curiata,' and to it

is to be added the negative argument that we know of no other patrician assembly which can be meant.

Nevertheless, that it was not the 'comitia curiata' seems to me nearly certain. In the first place, the last argument drawn from Cicero's account of the accession of the kings is weakened by the fact that he says of Servius, 'Non commisit se patribus sed Tarquinio sepulso populum de se ipse consuluit, jussusque regnare legem de imperio suo curiatam tulit,' which at least seems to mean that he procured the 'lex curiata' but not the 'auctoritas patrum.'

Next, as it has already been shown that Livy, Cicero, and Dionysius are ignorant of the patrician character of the 'comitia curiata,' we must infer that they considered the 'auctoritas patrum,' or ratification by the patricians, to be given in some other assembly. In other words, the theory is not only not supported, but is tacitly condemned by all the authorities.

Again, the 'patres' who ratified cannot possibly have been in the later times the 'comitia curiata,' because we are expressly told that they ratified the proceedings of the 'comitia curiata'; (see Cic. *de Domo* 14, quoted above; and compare Livy 6. 41: 'Non leges auspicato ferantur, non magistratus creentur, nec centuriatis nec curiatis comitii patres auctores fiant.') As both these passages are describing the consequences of abolishing patrician privileges, they prove in the most decisive manner (1) that the 'lex curiata' was distinct from the 'auctoritas patrum'; (2) that the second was a patrician act and the first not. Becker, in fact, admits the former of these two propositions as true of the latest time, though he denies it of the earlier. We are concerned at present only with the later and fully historical period, and it seems to me that we may now take it as proved, (1) that there then existed by the side of the 'comitia centuriata' and 'tributa' another assembly of the whole people organized in curiae, which possessed the exclusive privilege of conferring the imperium upon magistrates, and a certain authority in family matters, such as adoptions, and that this assembly was believed to be older than the others, and continued to exist mainly for religious reasons; (2) that there was an assembly of patricians which had the right of ratifying the laws passed in the 'comitia curiata' and 'centuriata,' though the practical value of the right had been destroyed by making the ratification precede the passing of the law. We are also told that the appointment of an interrex was in the hands of the patricians, and the established phrase for the election is 'Coiere patricii ad prodendum interregem.'

Now, why should we identify this second assembly with the first?

The common argument is, 'it *must* be the "comitia curiata," because if not, what can it be?' It can be an assembly of patricians, and we might be content to say no more about it, if we had no further information. Its functions being almost obsolete, we naturally hear scarcely anything of it, and cannot expect to be able to assert much more than its existence. The account however which Livy gives of the first interregnum (that following the death of Romulus), though of course mythical, may be assumed to contain a generally correct account of the institution, since the institution never became quite obsolete. Now this account evidently identifies the assembly which chose the interrex with the senate. We possess, then, these two facts: (1) The assembly in question had originally been the senate, and was in some way connected with it; (2) It was not identical with the senate, and was purely patrician (see above). An obvious hypothesis brings these two facts together, viz. that it was a meeting of the patrician part of the senate, and that for religious reasons certain unimportant privileges were left to these patrician members when they had lost all practical superiority.

Mommsen adopts this hypothesis, and, though of course it is only a hypothesis, it seems to me to have great probability. A *survival* of the old patrician senate, as of the old patrician army (see below p. 75), might almost have been calculated on, and seems to me actually established by evidence in the case of the election of the interrex. I cannot therefore agree with Professor Clark, who confirms, I am happy to say, most of the conclusions arrived at in this section, in preferring to this hypothesis, as if it were in itself difficult and improbable, a strained interpretation of the passage quoted above, Livy 6. 42, viz. that 'after the senate as a body had accepted the rogations and allowed the elections to take place, the patrician majority afterwards refused to accept the result of those elections.' (Early Roman Law, p. 143.)

The question now is, Can we infer anything from the character of the 'comitia curiata' in later times, about its character and position in earlier? In the first place, we may fairly assume it to be older than the other assemblies. This follows from its obsolete condition, from its connection with the 'gentes,' which were the most primitive element in Roman society, and from uniform tradition, which represents it as coeval with the city itself. But, if it was the original assembly of the citizens, we must suppose it to have been originally exclusively patrician, for we have already convinced ourselves that the patricians were the original citizens. This is confirmed by the fact that it was summoned by lictors, and not, as the 'comitia centuriata,' by horn-blowers

(Gell. 15. 27); and Dionysius (2. 7) tells us that this was a distinction of patricians: *ὅτι τοὺς μὲν πατρικίους, ὅπότε δόξει τοῖς βασιλεῦσι συγκαλεῖν οἱ κήρυκες ἔξι ὀνόματάς τε καὶ πατρόθεν ἀνηγόρευον τοὺς δὲ δημοτικοὺς ὑπῆρεται τινὲς καὶ ἀθρόοι κέρασι βοείοις ἐμβυκανῶντες ἐπὶ τὰς ἐκκλησίας συνῆγον.* Again, as the 'curiae' were aggregates of 'gentes,' and we have seen above that the patricians claimed to be alone members of 'gentes,' it would seem to follow that they alone could be members of 'curiae'; though, as we see that in spite of this claim the plebeians were in later times members of 'gentes,' we may gather that they were at some time admitted also into the 'curiae.'

If the patricians were the original citizens, there must have been a time when the word 'populus' meant the patricians without the plebeians. This is a just inference, but it may be boldly asserted that there are no quite clear traces of this use of the word in extant Latin literature. Servius (ad Aen. 8. 654: 'Ut ibi patres vel populus calarentur') may perhaps use the word in this sense, and the inscription of Cicero (ad Fam. 35: 'Senatui populo plebique Romanae') may be so interpreted (add Livy 25. 12, and 29. 27, and Cic. pro Mur. 1); but when Schwegler refers to such passages as Livy 1. 36; 2. 7; 2. 41; 4. 51; 6. 20, we are carefully to recollect that Schwegler does not himself mean to say that Livy in these passages understood 'populus' in this sense. What Livy meant by 'populus' appears once for all from 1. 17, 8 (see note), where he expressly includes 'plebs' in 'populus.' Schwegler means only that he gathers from certain probabilities that the authorities from which Livy drew must have used 'populus' for the patricians, and that Livy copied the word without understanding it. It must be a very strong probability which could persuade us of this, and such strong probability he never shows. In short, though the Niebuhrian theory of a distinction between 'populus' and 'plebs' as actually traceable in Livy and other Roman historians is still widely received, I hold with Madvig, whose words I may quote as an excuse for not discussing the subject at greater length: 'Quae Niebuhrius de populi nomine dixit a Livio interdum de patriciis ita positio, ut plebs ab iis sejuncta cogitaretur nunc, opinor, omittere sine refutatione licet; prorsus enim sine ullo argumento finguntur.' (Emend. p. 105.)

As to the manner of proceeding in the 'comitia curiata' we only know (1) that the voting was by 'curiae'—so that sixteen would be required for a majority (Dion. 4. 20); (2) that the first 'curia' which voted, apparently chosen by lot, was called 'principium' (Livy 9. 38); (3) that, as in the other 'comitia,' the assembly did not debate, but only voted on the question proposed to it; (this is, perhaps, not positively attested, but the debating popular assembly seems quite unknown at Rome;)

(4) that it met in the 'comitium' (Varro *L. L.* 5. 155: 'Comitium ab eo quod coibant eo comitiis curiatis et litium caussa').

#### IV. *The Senate.*

This has been in great part discussed already under other heads; but it will be convenient to collect the results.

- (1) The senate was probably appointed by the king.
- (2) It was an advising body merely, however much practical power it might get at particular times.

(3) It consisted originally of patricians only. This seems to follow from what has been said of the 'auctoritas patrum.'

(4) In the vacancy of the throne, it fell to the senate to provide for the government. This follows from the mode of electing an *interrex*.

(5) In the earlier period of the republic it consisted of three hundred members; and probably it had the same number under the later kings. It is natural to connect this number with the three tribes and the thirty 'curiae.' The traditions of the senate having been increased by different kings are hopelessly inconsistent with themselves.

On the whole the senate answers in its original character very exactly to the council of *Areopagus*. In its history it differs entirely, owing to the fact which makes the capital distinction between the constitutional history of Rome and of Athens, namely, that the popular assemblies at Rome were not debating assemblies, while at Athens they were. Hence at Athens the *Areopagus* was gradually pushed into the background, while the Roman senate continued always the great arena of political discussion.

#### V. *The Sabine element in Rome.*

Göttling discusses this elaborately, and concludes as follows:—'The conservative element and the political checks of the Roman constitution belong throughout to the Sabines, for theirs principally is the theocratic element; then the "patria potestas," the whole system of "gentes," the strict marriage with the marital authority.' (Gesch. der Röm. Staatsverf. p. 16.)

A similar view is taken by Professor Newman in his *Regal Rome*, and by Ihne in his *Roman History*.

Schwiegler thinks that the Sabine influence was generally of this kind, but refrains from attributing to the Sabines the introduction of special institutions.

On the other hand, Ihne denies that any difference can be discovered between the Latins and Sabines (Researches, p. 55, but cp. Röm. Gesch.

p. 18); and Mommsen says: 'With the exception, perhaps, of isolated national institutions, introduced and perpetuated in ritual, no Sabellian elements can be shown in Rome.'

It seems to me that Göttling's attempt to show that the 'patria potestas,' the system of 'gentes,' the marriage customs and the theocracy, are specifically Sabine, fails completely. For example, he argues that the 'patria potestas' must have been Sabine (1) because the Sabines were a patriarchal people; (2) because Tatus made a law against boys beating their parents (Festus s. v. *Plorare*), and *Tatus was a Sabine*; (3) because fathers who execute their sons occur oftenest in the 'gens Fabia,' and the 'gens Fabia' *was Sabine*.

On the question of marriage he has nothing to adduce, except the legend of the rape of the Sabines, and the casual expressions used by the historians in their account of it. On the theocratic element, all that can be said is, that the Sabines were very religious, and that the worship of certain deities, perhaps also certain religious customs, were peculiar to them. On the system of 'gentes' all we know is, that the Sabellian races had it as well as the Romans.

These peculiarities, which Göttling supposes the Romans to have borrowed from the Sabines, are closely connected together. They are the peculiarities of a primitive people, that is, of a people in which the family organization has not been much supplanted by the civic. In such peoples the authority of the father and husband is almost despotic, the clans are exceedingly isolated, and religious feelings are commonly very strong. It is therefore *a priori* most improbable that they should be imported from one people into another, because every people of itself begins with them. Nevertheless, Göttling's theory is not absolutely groundless. It rests upon the fact that these primitive institutions continued longer among the Sabines than among the Latins, and may have been preserved at Rome longer than in Latium, owing to the connection of Rome with the Sabines. The Sabines were a mountain-people, and were therefore likely to retain primitive manners long; and that they did so is well attested. We are told that they lived *κωμηθόν* ('vicatim,' Livy 9. 13), in unwalled towns (Strabo 5. p. 167; Dion. 2. 49; Plut. Rom. 16). They seem to have had a central government only in war time (Strabo 6. p. 175). They were observed to resemble the Spartans, and even claimed to be a colony of them: *Σαβῖνοι βούλονται Λακέδαιμονίων ἑαυτοὺς ἀποίκους γεγονέναι* (Plut. Num. 1).

We know how great an influence in Greece the Spartans acquired for themselves by this rigid conservatism; and it was natural that the Romans should be influenced by the neighbourhood of a similar people. That

they were so influenced, though only in a general way, was asserted by Cato: 'Sabinorum mores populum Romanum secutum Cato dicit' (Serv. ad Aen. 8. 635).

#### VI. *The Sabine Settlement.*

The influence of Sabine manners in Rome was thus not such as greatly to favour the belief that the population was partly Sabine. It was, however, commonly believed that Rome was composed of a town on the Palatine, and a Sabine town on the Capitoline and Quirinal. Does the later history afford us any information on this point?

It has been alleged that the temples on the Quirinal belong predominantly to Sabine deities (see Ambrosch, *Studien* 169). With regard to Quirinus himself, there seems some evidence that he was a specially Sabine conception of the god Mars (see p. 38); but of the other deities which are produced it is only proved that they were Sabine, not that they were exclusively Sabine. The fact that the 'Sodales Titii' celebrated Sabine rites (see p. 36) is also a very slight confirmation of the story. But the main argument is drawn from the word 'Quirites.'

It is asserted by many of the ancients that the word 'Quirites' means 'natives of Cures,' and belonged originally to the Sabine settlers on the Quirinal, from whom it passed to the whole population of Rome. Varro (L. L. 6. 68) says: 'Quirites a Curenibus, ab his qui cum Tatio rege in societatem venerunt civitatis,' which is repeated by Livy (1. 13). And this is supported by the name 'Quirinalis,' which is clearly connected both with 'Quirites' and 'Quirinus,' and therefore brings together the name 'Quirites' and this quarter of the city, and a deity who is asserted to be specially Sabine. The phrase 'populus Romanus Quirites' has also been represented as supporting the view, and it has been explained to mean 'the Roman people and the Quirites,' 'et' being supplied, as in 'patres conscripti,' and similar archaic phrases.

But it is illogical to adduce this formula as *confirming* the view. It would confirm the view if it could bear no other meaning; but since the interpretation given is only a possible one, all that can be said is, that it is not inconsistent with it. And even this can hardly be said, for the phrase 'populus Romanus Quirites' which occurs in some passages appears to be explained by 'populus Romanus Quiritum' which occurs in others (Livy 1. 32; 8. 9; 41. 16), and which evidently identifies the Romans with the Quirites.

To say that 'populus Romanus Quiritum' is a corruption introduced when the true meaning of 'Quirites' had been forgotten is arbitrary. It assumes that we already know the true meaning of 'Quirites.' So

long as that is a matter of investigation, it is equally probable that 'populus Romanus Quirites' is to be regarded as an apposition, and so as really equivalent to 'populus Romanus Quiritium,' as that it is equivalent to 'populus Romanus et Quirites.' As to the formula 'populus Romanus Quiritesque' which occurs, according to the best reading, in Livy 8. 6, it is just as likely that the 'que' was added when it began to be believed that 'Quirites' = 'Curenses,' as that it lingered after that had been forgotten. Moreover it is not absolutely necessary to translate the formula, even with 'que,' in such a manner as to make 'Quirites' distinct from 'populus Romanus.' Göttling aptly compares Livy 1. 32, 13: 'Populi priscorum Latinorum hominesque prisci Latini.'

The connection between 'Quirites,' 'Quirinus,' and 'Quirinalis' is just as well explained by a totally different etymology—that from 'quiris' a spear (Dion. 2. 48: Κύρεις οἱ Σαβίνοι τὰς αἰχμὰς καλοῦσσι). Assuming this etymology, the 'Quirites' are the spearmen, that is the *στρατός* or Roman citizens, assembled in their 'exercitus' ('Pilumnus populus,' Festus, p. 205), 'Quirinus' is the war-god bearing a spear, 'Quirinalis' the hill on which he was worshipped. This explanation would seem perfectly satisfactory, if the other had not been proposed, with a show of authority, by some of the ancients; and it has the advantage of explaining the fact that 'Quirinus' is properly only an epithet, and belongs to several gods, as Janus, Juno, etc. It also explains more naturally than the other etymology the application of the name 'Quirites' to all Roman citizens alike.

On the whole, then, we cannot find in the later history any decisive confirmation of the story of a Sabine settlement. On the other hand, we find nothing against it, and the position which Rome takes—close to Latium, yet not a mere Latin town—may favour the supposition that her population was mixed. It is to be remembered that, even if 'Quirites' comes from 'quiris,' and not from Cures, 'quiris' too is a Sabine word. Some Sabine religious rites were found in Rome (see above), and probably some families traced their descent to the Sabines. The tradition itself, as it concerns so large a fact, may be thought to have some value.

That the Roman population was formed by the union of distinct tribes rests on much better evidence than the statement that one of the component tribes was Sabine. The division of tribes remained in later history, and there are traces that the earliest Rome did not comprise the Quirinal. At the old festival of the 'Septimontium,' when sacrifices were offered at seven points, none were offered on the Quirinal or Capitoline. Mommsen also builds much upon the fact of there being two guilds of 'Salii,' the one on the Quirinal, the other on the

Palatine, as an indication of a union between two tribes. I proceed to speak of the original tribes of Rome.

VII. *The original tribes, the 'Gentes Minores' and the Patrician 'Equites.'*

By the school of Niebuhr so much has been said about the original tribes, their origin, &c., that it is important to show the extreme meagreness of the facts which have suggested it.

In Livy (1. 13) we are told that three centuries of 'equites' were formed by Romulus. In 1. 30, we learn that ten 'turmae' were added by Tullus Hostilius. Upon which the question rises, How many men were there in a 'turma'? Varro (L. L. 5. 91) says: 'Turma terima est (ε in *u* abiit) quod terdeni equites ex tribus tribubus Titiensium, Ramnium, Luce-*rum* fiebant.' Ten 'turmae,' therefore, contained three hundred 'equites,' so that Tullus Hostilius doubled the number or raised it to six hundred.

We are then told (1. 36) that Tarquinus Priscus again doubled the number. This would give 1,200, but Livy, apparently following some other account, says 1,800. Livy, therefore, is inconsistent with himself; he is also, as it appears, inconsistent with Cicero (de Rep. 2. 20, 35), though both the reading and the rendering of that passage are doubtful. We may leave this point for the present, as it can only be discussed in connection with the plebeian equestrian centuries of Servius.

We are also told that the three centuries of Romulus were called 'Ramnes,' 'Titienses,' and 'Luceres,' and that Tarquin did not venture, as he had at first proposed, to add three new centuries with different names, but doubled the numbers in each century. That this story is true we cannot affirm, though it is one of the most credible of the early traditions. But, true or not, it was founded upon a historical fact which we are in a condition to affirm. That is, that the six equestrian centuries, called the 'sex suffragia,' were divided into 'primi secundi' Ramnes, Titienses, Luceres. It was as an explanation of this actually existing classification that the story about Tarquinus, true or false, was received.

Nothing is rarer than to find any allusion to this classification. But in the lines of Horace (A. P. 341),

'Centuriae seniorum agitant expertia frugis,  
Celsi practereunt austera poemata Ramnes,'

'Ramnes' clearly means young men of birth. They are young, since they are opposed to 'seniores,' and they are noble, which makes them fastidious. Now, we learn from Q. Cicero (de Pet. Cons. 8) that the

knights were young ('Primum cognoscendi sunt equites; pauci enim sunt; deinde adipiscendi, multo enim facilius illa adolescentulorum aetas ad amicitiam adjungitur'), probably because the time of service was short; and as the 'equites' had separate seats in the theatre, and are elsewhere alluded to as the fashionable part of an audience ('Romani tollent pedites equitesque cachinnum'), it appears that 'Ramnes' in this passage means 'knights,' and thus Livy's statement is confirmed.

But the other passages in which the Ramnes, Titienses, and Luceres are mentioned throw quite a new light upon the subject. Cicero (de Rep. 2. 8, 14) and Varro (L. L. 5. 55, 81, 89, 91) speak of them not as equestrian centuries, but as tribes into which the whole nation was divided. And it is characteristic of Livy that though he is consistent with himself in the First Book, in another part of his work the truth drops out, as it were accidentally, and he calls them '*tres antiquae tribus*' (10. 6). Further, it appears from Festus (s. v. *Sex Vestae*), that what Tarquin did, was not merely to double the number of knights, but the number of members of these tribes, for he says, 'Civitas Romana in sex erat distributa partes, in primos secundosque Titienses, Ramnes, Luceres.'

There is only one way of explaining this double meaning of the words Ramnes, Titienses, and Luceres, and this misunderstanding of Livy's. It is to suppose that the six equestrian centuries correspond to the three double tribes into which the nation was divided, in other words, that a century was chosen from each half tribe. But how could this be, since the 'comitia centuriata' was founded upon property, and had no regard to birth? The answer which the authorities give is the one which the facts themselves suggest: when Servius remodelled the 'exercitus' on the basis of property, he found an 'exercitus' already existing, which, for religious reasons, he could not altogether destroy. The 'sex suffragia' are the remains of an old army founded on the tribal organization (*κρῦ' ἄδρας κατὰ φῦλα, κατὰ φρίγρας, Αγάμεμνον*, Hom. Il. 2. 362), and therefore retaining the old tribal names. It is commonly assumed that the 'sex suffragia' were exclusively patrician. This, as Mommsen shows (Röm. Forsch. p. 135), is not proved. But as the patricians were originally the only citizens, they must have been originally the only Ramnes, Titienses, and Luceres; and as they would naturally be enrolled principally in the cavalry when an army was formed out of the whole nation; lastly, as that ceremonial sacredness which belonged to these centuries is what we always find attaching to patrician institutions, we may well believe that originally these centuries were patrician.

Another trace of this reform attributed to Tarquinius is the expression 'minores gentes' applied to some patrician houses. Of these 'minores gentes' exceedingly little is known, but that they existed in historical times is proved by Cicero (ad Fam. 9. 21): 'Sed tamen qui tibi venit in mentem negare Papirium quemquam unquam nisi plebeium fuisse? Fuerunt enim patricii minorum gentium, quorum princeps L. Papirius Mugillanus qui censor cum L. Sempronio Atratino fuit.' Cicero (de Rep. 2. 20, 35) expressly identifies them with the new houses added by Tarquin, so that there seems every reason to believe that the 'minores gentes' and the 'secundi' Ramnes, Titienses, Luceres, are one and the same.

Thus our positive knowledge on these questions is confined to the following facts:—

- (1) The whole nation (i. e. at the beginning the patricians) had originally been divided into three tribes, Ramnes, Titienses, Luceres.
- (2) These tribes were sub-divided into *primi* and *secundi*.
- (3) The same division and sub-division appear in the 'sex suffragia,' probably at first patrician.
- (4) It appears also in the division of the patricians into 'gentes *majores*' and 'minores.'

There has been endless speculation about the origin of these three tribes, about their mythical correspondence with the first three kings, about the Sabine origin of the Titienses, the inferiority of the Luceres, &c. The later history throws no light upon these points. If anything can be learnt about them it must be from the traditions, and in these I have no faith. We must be content to remark that all the states of antiquity of which we have accurate knowledge are found to rest ultimately upon a tribal organization, and that the Ramnes, Titienses, and Luceres of Rome, answer to the Hylleis, Pamphyli, and Dymanes of Sparta, and to the Geleontes, Hopletes, Aegikoreis, and Argadeis of Athens.

The two facts, however, that these original tribes are connected with the army, and that the 'comitia curiata' conferred military 'imperium' (see Livy 5. 2, quoted above, p. 62), give some probability to Ihne's assertion that the oldest organization of the Roman people, like that introduced by Servius, was fundamentally military.

It must not be omitted that Niebuhr identifies the 'minores gentes' not, as above, with the 'secundi' Ramnes, &c., but with the Luceres. He rests this (1) upon some traces, which undoubtedly appear, of a twofold classification by the side of the threefold one, from which he infers that the first two tribes were earlier and superior to the last.

Thus there were twenty 'fetiales,' of whom four were sent on embassies at a time. We read (Livy 10. 6) that at an early time there were four pontiffs, and some writers speak of four Vestals (Dion. 2. 67). (2) He rests on the tradition that Tarquinius raised the senate from two hundred to three hundred, Livy expressly calling the additional senators 'patres minorum gentium,' and on the traditions of the first kings, which represent the state as consisting of Romans and Sabines, that is, according to Niebuhr, of Ramnes and Titienses.

Any one who is disposed to attach importance to the story of Tarquinius should remember that it is contradicted by other traditions, which say that he doubled the senate. The other indications, though faint, are no doubt singular; they do appear to indicate a twofold classification, but we have no reason to connect them with the Ramnes and Titienses. We need not deny the facts: that there were three original tribes is certain, and that there was also a twofold division is not improbable, but to attempt to draw inferences in such a beggary of information would be absurd.

### VIII. *The 'Comitia Centuriata.'*

We pass to an assembly which is most important, as marking the introduction into the state of a principle of organization other than the primitive one of family. If it is rightly attributed to Servius Tullius, it is but little later in date than the very similar classification introduced at Athens by Solon. But Solon's classification was only for the purpose of taxation, that of Servius seems to have had a military object.

Some of the ancients tell us that Servius conceived the plan of establishing a timocracy, and that his idea was that property was a guarantee of patriotism, &c. ('Is valebat in suffragio plurimum cuius plurimum intererat esse in optimo statu civitatem,' Cic. de Rep. 2. 22, 40.) But if we examine the system we shall see that this result was accidental. The classification was originally planned purely with a military view. The classes are arranged according to the armour they carry; the heavy-armed are first, not because precedence is given to the rich, but because they are most exposed to the enemy's attack. But the plainest proof is the position of the carpenters, trumpeters, and horn-blowers in the system. It was evidently no political consideration that gave it to them, but their necessary attendance upon an army in the field.

This observation reveals to us that the historians who describe to us the Servian constitution attribute to it, at its commencement, the character it acquired after it had existed for centuries, and arbitrarily

credit Servius with designing all that the natural course of development had actually brought about. In order to create the 'comitia centuriata' as Livy describes it, two measures, perfectly distinct in themselves, must have been taken :—

- (1) A classification of the citizens for military purposes.
- (2) The giving of the suffrage to the military assembly so constituted.

Now the earliest Roman historians no doubt found a tradition that the 'comitia centuriata' was the work of Servius; but before we infer that he was a great political reformer, or that he had the intention of diminishing the power of the patricians, we must know in what sense he was the author of it. Did he devise both the measures just mentioned, or only the first of them? If the first only, he was no political reformer, but simply a military organizer. There is no great probability that the 'comitia centuriata' was an important assembly under the kings. The king being little less than despotic, there was no place in the state for a popular assembly. But it is probable that the development of the 'exercitus' into a political assembly was gradual. The king was general, and had no doubt the practice of exhorting his troops. If he announced to them any important plan, they would at first express their approval by shouts, or their disapproval by murmurs. If shouts and murmurs were mixed, the natural way of discovering which predominated was to take the votes of each century. When this had once become a practice, the army had already become a political assembly.

Another scruple arises when we examine the elaborate scheme attributed to Servius. On what authority do these figures rest? The answer seems to be that a great reform took place in the 'comitia centuriata' during the republican period, and that the system ascribed to Servius is the system which was remembered to have existed before the reform. But it is possible that this may have been widely different from the original system of Servius, and particularly that the proportion of power assigned to birth, wealth, and numbers respectively may have been several times changed during the political changes of the republican time. Our historians, however, have not fallen into the error of confounding the assembly of Servius with that of their own time. Though they have, perhaps, too hastily assumed that it was only once reformed, yet this one reform they have borne in mind; and, when Livy says emphatically (i. 43, 13) that the centuries had originally nothing whatever to do with the tribes, he marks the principal distinction between the unreformed assembly and the reformed one, in which the system of centuries and that of tribes were combined.

We proceed to examine the details of the classification which, though

we cannot be sure that it is as old as Servius, was certainly in use early in the republican time. It has already been remarked that the assembly is in the first instance an army, and that its character was determined in the first instance by military considerations. When, however, it had become a political assembly, and the manner of voting in it had been settled, it remained unaffected by the changes which were subsequently made in the military system, so that ultimately the political 'exercitus' was quite different from the military one. It may also have undergone certain modifications, introduced for political reasons, but in the main it has every appearance of being the actual army of the state in a very ancient form.

If the patricians were the original citizens they would also be the original army. A time would then come when the plebeians would be so numerous and respectable that the exclusive military service of the patricians would become an intolerable burden to themselves.

It would therefore seem to be rather in the interest of the patricians than the plebeians that the latter were introduced into the army. The franchise which they gained, even supposing that belonged to the original plan, could not have been very valuable to the plebeians, who would be placed principally in the lower 'classes,' while the obligation of service was a heavy additional burden. Niebuhr's opinion that the patricians were all included in the 'sex suffragia' is contradicted by Livy (3. 27), as well as by the probability of the case; for there would be poor patricians, and the patrician army which this arrangement superseded must have had infantry. Nor is it credible that the patricians would be content with six votes in the great national assembly.

But when the old patrician army was abolished, it is *a priori* likely that some traces of it would be left, as we find that everything connected with the patricians, being consecrated by religion, was in form almost indestructible. We find just such a trace of it as we should expect. We find six equestrian centuries which had the names 'primi' and 'secundi' Ramnes, Titienses, Luceres, the most ancient and, at first, purely patrician tribes. The nature of the case fully confirms the express statement of the historians, that these centuries were found existing by Servius, and were left unaltered from respect for their augural consecration. Our historians, however, do not state, what almost all writers now assume, that they were at all times exclusively patrician. This silence is in itself important evidence that they were not; and we have further evidence to the same effect in the two important passages, Cicero de Domo 14. 31, and Livy 6. 41, in which the effects of abolishing the patrician order are enumerated, for the 'sex

suffragia' are not mentioned as liable to be affected by it. (See Mommesen, *Röm. Forsch.* p. 135.) We are therefore to conclude that as the plebeians became members of 'gentes,' though the 'gens' was originally peculiarly patrician, and as they were admitted into the 'comitia curiata' which was originally patrician, so they were at some unknown time admitted into the sex suffragia, which was the only relic of the original exclusively patrician army.

That there are no traces of patrician infantry seems strange. Marquardt suggests that cavalry was the most important arm up to the time of the war with Perseus, and supports this by the following passages: Livy 2. 65; 3. 62, 63; 4. 38; 7. 7, 8; 9. 39; 10. 14; 22. 49; 39. 31; 40. 40; 42. 61.

By the side of the 'sex suffragia' are twelve other centuries of knights. Livy mentions these before he speaks of the 'sex suffragia,' and Mommesen endeavours to show that they took precedence of them in dignity. It is to be remarked that Festus, differing from all other authorities, seems to make the twelve centuries, and not the six, the original cavalry: 'Sex suffragia appellantur quae sunt adfectae ei numero centuriarum quas Priscus Tarquinius constituit.' The passage, as it stands, is corrupt, but it is proposed to read adjectae for adfectae. Though Rubino regards the statement thus elicited out of Festus as more probable than that of the other authorities, it seems rash to attach importance to a passage which is at once isolated, short, and corrupt.

These eighteen centuries together constitute that body of 'Equites equo publico' which continued always to be a prominent institution at Rome. They had much more the character of a corporate body than the classes of the infantry, principally for the following reason:—In the classes a man's place was determined simply by his property, e. g. the first class contained all, however many there might be, who possessed more than 100,000 asses; but the number of knights was limited, because the state only found a limited number of horses, and they were therefore not the whole number of persons who had an equestrian census, but a selection out of that number. Hence, in the later times of the republic, arose the important distinction between the 'equester ordo,' who had the census, and the 'equites equo publico,' who were actually enrolled in the centuries. The preference in the selection seems to have been given to men of high family, so that the 'equites equo publico' were practically an aristocratic club. This was perhaps equally true at all periods, but there are points in which the 'equites' of the early republic must have differed widely from those of the age of Cicero.

(1) In the later time the real cavalry of the Roman armies was almost entirely furnished by the allies, of which Caesar (de B. G. 1. 42) furnishes a striking example. The 'equites,' therefore, so far as they served at all, merely formed the staff or filled the highest commands. But at the beginning they were the sole cavalry of the state, and, being also the noblest men in it, they must have formed a real chivalry. A trace of this ancient fame of the order appears in Livy 42. 61, 4: 'Meliorum partem hostium, equitatum Romanum, quo invictos se esse gloriabantur, fudistis.'

(2) In the later time, the 'equites' were all young (see above, p. 74). In the earlier time it appears that the senate voted in the equestrian centuries. This is proved by a passage in Cicero (de Rep. 4. 2), which, rightly explained, has thrown much light on the whole subject: 'Quam commode ordines descripti, aetates, classes, equitatus, in quo suffragia sunt etiam senatus; nimis multis jam stulte hanc utilitatem tolli cupientibus qui novam largitionem quaerunt aliquo plebiscito reddendorum equorum;' on which passage it was acutely observed by Niebuhr, that the meditated plebiscitum which Scipio is represented as disapproving must be the plebiscitum by which the change was introduced, and which Cicero knew to have been passed just after the time at which the dialogue 'De Republica' is placed. It thus appears that in the early time a knight kept his 'equus publicus' after serving the 'dena stipendia' required of him, but that from the time of the younger Scipio he gave it back, and passed out of the equestrian centuries into the first class. This explains the case of L. Scipio Asiaticus, who, being a consular, was deprived of his horse by the censor Cato, and the case of the censors Livius Salinator and Claudius Nero, who deprived each other of their horses.

In short, the 'equites' were much more important in the earlier than in the later time, both as containing the senate and as being the strength of the army.

We have next to speak of the number of knights. It has been mentioned that Livy makes it three hundred under Romulus, six hundred under Tullus Hostilius, and then (in 1. 36) describes it as doubled by Tarquinius. Livy adds that he did not alter the number of centuries: 'Postiores modo sub iisdem nominibus qui additi erant appellati sunt, quas nunc, quia geminatae sunt, sex vocant centurias,' i. e. the added knights were classed under the same names (i. e. Ramnes, Titienses, Luceres), but called 'postiores,' which now, as being doubled, they call the six centuries. This seems to explain the term 'sex suffragia.' Servius gave them six votes, but for a long time there was a superstitious

unwillingness to describe them as six centuries, so they were called six votes, but in Livy's time the word 'centuries' had come in.

Livy's calculation, then, would give us 1,200 in the 'sex suffragia,' and this seems to be confirmed by Cicero, who says of Tarquin (de Rep. 2. 20): 'Sed tamen prioribus equitum partibus secundis additis mille ac ducentos fecit equites numerumque duplicavit postquam bello subegit Aequorum magnum gentem.' Assuming this number, and adding twice the number for the twelve centuries, we get 3,600 knights in all. But then arise two perplexing difficulties: First, though Livy's calculation gives 1,200, yet he himself calls it 1,800: 'Ut mille et octingenti equites in tribus centuriis essent;' next, it seems very awkward to translate the passage in Cicero so as to make 'numerumque duplicavit' merely epexegetical of what went before; it appears rather to mean that after he had made 1,200 knights he again doubled the number, and so raised it to 2,400.

It is impossible to clear up these difficulties with anything like certainty. Zumpt thinks that 3,600 was the full number, and that in Cicero we should read ~~MACCC~~ for ~~MACCC~~ (i. e. mille ac ducentos), so that the second doubling would give 3,600, and Cicero would ascribe to Tarquin, and not to Servius, the completion of the full number. The guess seems the best that can be made, and yet it has little to recommend it. What the number of the knights actually was in republican times is nowhere stated, but Priscian (7. 8. 38) quotes from a speech of Cato the following words: 'Nunc ergo arbitror oportere restitui quo minus [read perhaps quo ne minus] duobus milibus ducentis sit aerum equestrium,' from which it appears that in Cato's time the number of knights was not over 2,000. Possibly in Cato's time the number may have fallen off, owing to the introduction of 'equites equo privato' and, since the second Punic war, of foreign cavalry.

We pass to the infantry. In Grecian warfare we find that between the Homeric and the historical age a great revolution took place. In Homer those who answer to the cavalry, that is, the riders in chariots, are prominent, and the infantry insignificant; but in the Persian wars the infantry are all in all, and cavalry are scarcely to be found. Further, the infantry are ranged in phalanx. We have here a parallel to the traditional history of the Roman army, which gives much confirmation to that history. The earliest army of Rome is spoken of as consisting entirely of cavalry, and called 'celeres;' the first infantry mentioned is that of Servius. We are also told that the earliest infantry, which was in use until the time of Camillus, was ranged in phalanx (Livy 8. 8). In fully historical times a triple line was the peculiarly Roman array; but

in the 'comitia centuriata' we seem to have the original phalanx, the most fully armed men occupying the foremost ranks, and those less completely armed the hindmost and most sheltered. We also find it divided into the 'juniores,' who serve in the field, and the 'seniores,' who defend the city. Thus the 'exercitus' in its 'comitia' became in time altogether different from the army in the field, and passed into a purely political assembly. This makes it the more important for historical purposes, as affording a glimpse of the Roman military organization at an earlier stage.

But it seems to me rash to assume the arrangement of the comitia as absolutely identical with the earliest army. This is done by Mommsen and others, who assume that the number of centuries in each class, which was permanently fixed, represents the actual number of citizens possessing the required income at the time when the first census was taken. How can we know that the numbers were never changed between the first introduction of the system and the time when the account of it which is preserved to us was written down? The fact that the centuries of 'seniores' are equal in number to the centuries of 'juniores'—whereas the number of men between forty-six and sixty can never have been equal to the number between seventeen and forty-six (but see below, p. 85, on the 'filii familias')—warns us against regarding the system as having arisen as it stands out of actual facts.

It is agreed by Cicero and Dionysius that the number of centuries of infantry was 175; Livy makes them 176. But there is considerable difference among these three authorities in the distribution of the centuries into classes. Dionysius places the carpenters with the second class, Livy with the first; Dionysius places the trumpeters and horn-blowers in the fourth class, Livy in the fifth; Dionysius makes the 'capite censi' a sixth class, Livy does not give them this name. These differences are of little practical importance; but when Cicero says that the first class, with a single century of carpenters and the eighteen equestrian centuries, made a total of eighty-nine centuries (de Rep. 2. 22), so as to give only seventy centuries instead of eighty to the first class, the difference is important, because Cicero's account takes away that absolute majority which the other accounts give to the knights and first class combined.

The difference between Dionysius and Livy in the total number of centuries lies in the century of 'accensi,' which Livy adds to the fifth class. His words are: 'In his accensi, cornicines, tubicinesque, in tres centurias distributi.' Siginus conjectured 'duas' for 'tres,' and Lewis thinks this is probably right. But, in Lewis' own words, the emendation is founded 'on the gratuitous assumption that it is

necessary to reconcile Livy with Dionysius; and moreover it does not do so. If Livy's statement is wrong, the mistake is just as probably his own as a transcriber's. Perizonius conjectured 'His accensi,' understanding 'accensi' as equivalent to 'adjecti.' But that there was a body of men called 'accensi,' and that they were connected in some way with the musicians, appears from the mutilated passage (*Cic. de Rep. 2. 22*): 'Quinetiam accensis velatis liticinibus cornicinibus proletariis.' Lange believes that 'accensi' was a name for the whole fifth class, and would read, 'In his accensis,' &c. But surely no writer who wished to be understood would write simply 'In his accensis,' for 'In his qui etiam accensi appellabantur.' It may, however, be true that Livy misunderstood the word 'accensi,' which belonged to the whole class, as describing a particular century in it.

The important difference between Cicero on the one hand, and Dionysius and Livy on the other, has produced a whole literature of conjecture and controversy. Nothing, however, has been decided by it, and perhaps after all nothing is more probable than simply that one of the conflicting statements is wrong. If so, it seems most likely that Cicero is wrong, since his work is much less elaborate at least than that of Dionysius, and he does not appear to have given much attention to the early history.

The number of centuries in each class appears to have been fixed. Evidently, however, the number of citizens possessing a particular amount of property must have changed constantly. It follows that the number of men in a century must have been variable, and that the word 'centuria' must have been used in a loose way. Similarly, in the historical army, we find centuries of sixty and thirty men. In this elasticity of the century lay the possibility of stamping the 'comitia' with a peculiar political character, aristocratic or democratic. We see how the opportunity was used. In the first place the number of centuries was so arranged that the knights and the first class should have either a majority or almost a majority; in the second place the men between forty-six and sixty were equal in influence to those between seventeen and forty-six, though necessarily less numerous. Thus wealth and age were decidedly favoured. It has been before remarked, that we have no right to attribute this arrangement to Servius, since the first design of the legislator was a military rather than a political reform. But neither have we any right, with Mommsen, to treat it as purely accidental, and to say that the number of centuries in the first class represents the exact number of citizens possessing that particular qualification at the time the first census was taken. Since we

find rank and age favoured at a time when rank and age were held in the greatest respect, the probability is that they were favoured intentionally, though we cannot attribute the design to any particular individual.

With respect to the 'centuriae juniorum' a curious difficulty suggests itself. They would naturally consist in great measure of 'filii familias,' i. e. men whose fathers were living; and yet these had by the Roman law no property. If therefore they were admitted, the money qualification was not regarded; on the other hand, if they were excluded, the best soldiers must have been excluded from the army. I find Puchta asserting (Gesch. des Röm. Rechts vol. 1. p. 167) that the 'filii familias' were admitted into the military centuries, but not into the 'comitia.' For this he gives no authority. On the other hand Lange (Röm. Alterth. vol. 1. p. 404) quotes Festus (s. v. *Duicensus*), 'Duicensus dicebatur cum altero id est cum filio census,' and two passages in Livy (24. 11; 43. 14), where the son is rated according to his father's property, and decides that the 'filii familias' voted.

It is evident that if the 'filii familias' were excluded, the 'centuriae juniorum' would be much reduced in numbers, and what has been said of the advantage given to age must be modified in form. But age was equally favoured whether the 'juniore' were crowded into a small number of centuries, or whether many of them were excluded altogether.

When we consider the assessments of the different classes, we are struck with the fact that the lowest class is required to have what was at that early time a large property. Ten thousand asses, says Livy (4. 45), was at that time riches, yet below 11,000 asses, according to Livy, or 12,500 according to Dionysius, military service was not required, and no franchise given. To furnish an explanation of this, the changes in the Roman coinage have been referred to. It is suggested by Böckh that, whereas the 10,000 asses which Livy says were accounted riches are 'aes grave,' that is, asses each of which contained five-sixths of a pound of copper, the asses mentioned in the accounts of the Servian census are those of a later time. These accounts probably describe a state of things which at the time of Fabius and Cato had recently passed away through the reform of the 'comitia centuriata.' It is natural, therefore, that they should refer to the coinage of about the time of the first Punic war. Following this investigation, Böckh concludes that in order to convert these sums into 'aes grave' we should divide them by five.

Mommsen pushes the theory further, and suspects that the Servian census only took account of landed property, so that, for example, the first class contained not those who had 100,000 asses, but those

who had an estate rated at that sum; and he thinks it probable that in the census of the later time a 'jugerum' was reckoned at 5,000 asses. Both writers seem to aim at more exact results than our information enables us to arrive at. But the conjectures seem sufficiently probable to show us how far we are from having before us in the extant accounts the original Servian constitution.

Böckh's theory furnishes at the same time a probable explanation of the difficulty which the amount of the 'aes equestre' and the 'aes hordearium' presents. We find a sheep valued at ten asses, an ox at 100 (see Festus s. v. Ovibus: 'boves centenis assibus, oves denis aëstimateae'), yet the state supplied every knight with 10,000 asses to buy a horse, and 2,000 annually to support him.

In discussing the earliest form of Roman institutions, I have taken the later and better-known constitution as my starting-point, and have endeavoured to draw from it retrospective conclusions. For example, some inferences concerning the senate of the regal period have been drawn from the character of the senate of the republican period, which is well known to us. But in the case of the 'comitia centuriata' this method fails us. The assembly, indeed, continued to be summoned and to be influential up to the imperial time, but it so happens that no writer has left us any full description of it, and the 'comitia centuriata' of the time of Cicero throws no light on that of the age of Servius, because it is itself equally or even more obscure. It is, indeed, only from a few hints that we can discover that it had received considerable alterations. The later form of the institution, since it throws no light on the earlier, would not concern us here, had not Livy made some allusions to it in the last sentences of c. 43. In order to explain his language it is necessary to mention the principal reform that had been introduced. This lay in a certain combination which had been accomplished of two originally distinct classifications of the people, the classification according to property into classes and centuries, and the classification according to locality into tribes. Whenever the centuries of the later time are mentioned, we notice their intimate connection with the tribes. For example, Cicero (pro Plancio, c. 20) calls a century 'unius tribus pars'; and in the same chapter, in describing an election by the 'comitia centuriata,' he says, 'Vocatae tribus, latum suffragium, diribitae, renuntiatae.' The nature of this connection between the centuries and tribes is very obscure, but the existence of it in Livy's time explains his motive for stating so expressly (1. 43, 13) that it did not exist at the time of Servius: 'Neque eae tribus ad centuriarum distributionem numerumque quicquam per-

tinere.' Above he has the following difficult sentence, 'Nec mirari oportet hunc ordinem qui nunc est post expletas quinque et triginta tribus duplicato earum numero centuriis juniorum seniorumque ad institutam ab Servio Tullio summam non convenire,' that is, 'Nor need we wonder that the well-known arrangement which now exists since the completion of the thirty-five tribes, their number being doubled by the centuries of juniors and seniors, does not agree with the total instituted by Servius Tullius.' This is certainly not lucid writing; but the contemporaries of Livy had the information which made it readily intelligible to them. In their time the whole number of Roman citizens was divided into thirty-five tribes, and each tribe was divided according to a scale of property into so many centuries, half the number of centuries in each tribe being 'juniores' and half 'seniores.' Now, it seems to have become usual to think of all the 'centuriae juniorum' in a tribe as constituting one whole, and all the 'centuriae seniorum' as constituting another, so that the citizens were really divided not so much into thirty-five tribes as into seventy half-tribes. This appears from numerous inscriptions, in some of which the half-tribe gets an express appellation, and is called 'corpus juniorum' or 'seniorum.' (See Mommsen, *Tribus*, p. 76.) It is evidently to this that Livy refers when he speaks of the tribes as having their number doubled. In the words 'duplicato earum numero' we must plainly refer 'earum' to tribes, not to centuries; which I mention because it has been inferred from this passage that under the later system there were seventy centuries.

We have perhaps advanced as far as is safe into the labyrinth of the 'comitia centuriata.' What we have been examining is no myth, but a real institution, and a most curious one. This explains the endless industry of speculation which has been bestowed upon it. But the evidence upon which this speculation has to work is not strong enough to support any solid or secure results. Our witnesses seldom speak precisely, and when they do we have no means of knowing either that they had examined the extant sources of information carefully, or even that any pure sources of information existed. But while we have no satisfactory information about the details of the institution, we have just that amount of unsatisfactory information which keeps curiosity always sanguine and busy. The subject has therefore become a dangerous one, and Peter tells us that he was once advised by a distinguished philologer carefully to avoid it. My own discussion of it has been longer than I could wish, and yet I have rejected much more matter than I have admitted.

IX. *The Tribes.*

In historic times the whole number of Roman citizens were divided into thirty-five tribes, of which thirty-one were rustic tribes, the Claudia, Aemilia, Cornelia, Fabia, Horatia, Menenia, Papiria, Sergia, Veturia, Camilia, Galeria, Lemonia, Pollia, Pupinia, Romilia, Voltinia, Stellatina, Tromentina, Sabatina, Arniensis, Crustumina, Pomptina, Publilia, Maecia, Scaptia, Ufentina, Falerna, Aniensis, Terentina, Velina, Quirina, and the other four were urban, the Palatina, Suburana, Collina, Esquilina. There was an assembly of the people called the 'comitia tributa' in which this classification was followed; it was also followed in the assessing and collecting of the war-tax ('tributum'), and in the enrolling of an army (Polyb. 6. 20), so that each legion contained the same number of men from each tribe; it made the foundation of the census, and the property classification was subordinated to it. But what is most important is, that the principle of this distribution was not birth, as in the three ancient tribes, nor property, as in the classes and centuries, but *locality*.

Such were the tribes of later times; but when the Roman territory was smaller they were fewer. We can go back to a time (Livy 2. 21) when of the thirty-one rustic tribes only sixteen existed, those which are named first in the above list. The remainder were added at different periods as new conquests were made. About the year 239 the number was made up to thirty-five (Livy Epit. 19), which was never exceeded.

Although the division was merely local, yet the sixteen ancient tribes bear many of them the names of famous Roman 'gentes,' the Claudia, Fabia, &c., and the names of the others appear to have belonged to 'gentes' which afterwards became extinct. This is not true of the later tribes, which appear to have territorial names. It would thus seem that there was a time when the great clans which united to form the Roman population had separate local habitations, so that a 'tribus' was the district occupied, or principally occupied, by a particular 'gens.'

We now come to the traditional account of the origin of this institution. Livy's account is defective. In 1. 43, 13 he mentions the division of the city into four tribes, and in 2. 21 he speaks of the addition of a new tribe, and says that it made the whole number twenty-one. Thus he omits to explain the origin of the sixteen rustic tribes. Victor also (de Vir. Ill. 7. 7) says of Servius, 'Populum in quattuor tribus distribuit.' But Dionysius has the following important passage (4. 15): 'He divided the whole territory, according to Fabius, into twenty-six *μοῖραι*, which he (i. e. Fabius) also calls tribes, and

adding the four city tribes, he says that in Tullius' time there were thirty tribes in all; but, according to Vennonius, into thirty-one, so that with those in the city the complete number of the thirty-five tribes which still exist is made up. Cato, however, a greater authority than either, does not specify the number of the *μοῖραι*. The tradition then, though it wavers in the numbers, seems to be uniform in the general statement, which is that Servius founded the four urban tribes, and divided the country into districts, which were not originally called tribes, but had some other name. This name was perhaps 'regiones.'

Livy's words are (in the best MSS.), 'Quadrifariam enim urbe divisa regionibusque collibus qui habitabantur, partes eas tribus appellavit.' These words evidently want some emendation. But whether we read 'collibusque' with Mommsen, or 'et collibus' with Weissenborn, or 'regionibus collibusque' with Madvig, the meaning is the same. The ablatives are of the kind sometimes used in specifying the principle of a classification. (See Madv. Lat. Gr. § 255. b, who quotes Cic. Legg. 3. 19: 'Populus Romanus descriptus erat censu, ordinibus, aetatibus.') We must translate 'according to the districts and hills which were then inhabited.' This seems to suit pretty well the four urban tribes, of which three are called from hills, and the fourth, the Suburana, from a district.

The tradition that the local tribes were instituted by Servius is confirmed by some traces of an earlier arrangement which they superseded. Varro says (L. L. 5. 45): 'Relicua Urbis loca olim discreta, cum Argeorum sacraria in septem et viginti partes urbis sunt disposita. Argeos dictos putant a principibus, qui cum Hercule Argivo venere Romam et in Saturnia subsederunt. E quis prima est scripta regio Suburana, secunda Exquolina, tertia Collina, quarta Palatina.' So Paul. Diac. (p. 17): 'Argea loca Romae appellantur, quod in his sepulti essent quidam Argivorum illustres viri.' And Livy (1. 21) speaks of 'Argei' as 'loca sacris faciendis.'

About these Argei another very obscure statement is preserved (Varro 7. 44; Dion. 1. 37), which it is not necessary to discuss here. The above passages seem to show that there were a number of chapels in Rome which were of the same kind, and which were understood to be the central points of ancient districts which were afterwards superseded by the city tribes.

Again, as in the country the tribes superseded older 'pagi,' there remain a few traces of ancient 'pagi' in the town. Varro (L. L. 5. 48) speaks of a 'pagus Succusanus' in the neighbourhood of the Carinae, and we find in inscriptions 'pagus Aventinensis' and 'Janiculensis.' (Lange, Röm. Alt.

1. 73). The festival of the 'Septimontium' is also a monument of a time when there were seven distinct communities (Palatium, Cermalus, Velia, Fagutal, Oppius, Cispinus, and Subura) on the same ground which was afterwards occupied by the city tribes.

That these are really traces of an earlier arrangement there is the following strong reason to believe. The local tribes appear to have had no connection whatever with religion, but to have been contrived purely with a view to practical convenience. On the other hand, when we hear of 'pagi' and Argean districts, it is always in connection with religion, with the 'Argeorum sacella,' the 'Paganalia,' the 'Septimontium.' Now we have already frequently had occasion to remark that the oldest constitution of Rome is religious throughout. Institutions suggested by naked utility come in later, and those which they practically supersede are not abolished, but formally retained on account of their religious character. This is the relation of the curies to the centuries, and thus in the case of the Argean districts and 'pagi' we may consider that religion has acted the part of a historian, and has preserved in permanent forms the memory of primitive realities.

The 'comitia tributa' does not belong to the regal time, and will be more conveniently discussed, along with the rise of the 'plebs,' in the notes to the Second Book.

#### X. *Quaestorship.*

Besides the king, we find mentioned as public functionaries in the regal period the 'tribunus celerum' and the 'praefectus urbis.' But as these magistrates are unknown to the later republic (though the 'praefectus urbis' is mentioned by Livy more than once in the history of the early republic (see 3. 3 and 24), and though the office was revived under the empire), it does not enter into my plan to speak of them here.

Of the magistracies of the later republic, the only one which perhaps existed under the kings was the quaestorship.

The quaestors were forty in number under Caesar, twenty under the constitution of Sulla, in the time of the Punic wars apparently eight (Livy Ep. 15), before this up to B.C. 421 they were four (Livy 4. 43), and before that two.

Of the quaestors in the later time, two remained in the city ('quaestores urbani'), one was stationed at Ostia (Cic. *pro Mur.* 8), one at Cales in Campania (Tac. *Ann.* 4. 27), one in Cisalpine Gaul (Suet. *Claud.* 24); and the rest apparently were distributed through the provinces.

The 'quaestores urbani' have charge of the 'aerarium.' To them taxes and other moneys due to the state are paid (Livy 5. 6; 26. 47; 33. 42);

42. 6); they keep the 'signa militaria,' and bring them out at the beginning of a campaign (Livy 3. 69; 4. 22; 7. 23); they make payments in behalf of the state (Cic. Phil. 9. 7; 14. 14).

The other quaestors had corresponding duties outside the city. Of all the great magistracies, the quaestorship was the lowest in dignity.

Such being the office, a question arises about the appropriateness of the title 'quaestor.' The proper meaning of 'quaestor' is 'judge,' and we see the difficulty that was felt in connecting the title with the function in Varro's explanation (de L. L. 5. 81): 'Quaestores a quaerendo, qui conquerirerent publicas *pecunias et maleficia*, quae triumviri capitales nunc conquerunt; ab his postea, qui quaestionum judicia exercent, Quaestores dicti.' It is hinted in this passage that the quaestors had in earlier times had judicial duties. If so, we may venture to question Varro's explanation, and to take for granted that the name was suggested by these judicial functions alone, and was not chosen as being equally appropriate to the judicial and the financial functions. Now in the earlier republic the quaestors actually appear as law-officers: not so much judges as public prosecutors. The cases are that of Spurius Cassius, who is said to have been impeached by the quaestors (Livy 2. 41; Cic. de Rep. 2. 35), and that of Volscius (Livy 3. 24, 25). When it is urged that a quaestor may have occasionally brought an accusation without being an official accuser, the answer is, that in the case of Volscius the prosecution passes on to the quaestors of the next year (Livy 3. 25), and is thus shown to be official. But it may be argued that the quaestors here meant are not the 'quaestores aerarii' at all, but the 'quaestores parricidii.'

Who were these 'quaestores parricidii'? Paul. Diac. (p. 221) has 'Parricidi quaestores appellabantur qui solebant creari caussa rerum capitalium quaerundarum.' And Pomponius (de Or. Jur. § 23) says, after speaking of the 'quaestores aerarii,' 'Et quia, ut diximus, de capite civis Romani injussu populi non erat lege permissum consulibus jus dicere, propterea quaestores constituebantur a populo, qui capitalibus rebus preecessent; hique appellabantur quaestores parricidii; quorum etiam meminit lex duodecim tabularum.' All we know, then, of the 'quaestores parricidii' is that such an office existed before the decemvirate. Whether it was a permanent or occasional office, whether it was identical with the 'quaestores aerarii' or distinct from it, we have no evidence except the conjecture of late writers.

There remains the fact that the word 'quaestor' expresses legal, not financial functions. It seems not improbable that 'quaestores parricidii' was the original title, but that when the legal functions of the

quaestor became obsolete, the word 'parricidii' was dropped, as too obviously inappropriate.

The Romans knew of no time when there had not been quaestors in the state. It is true that we have in Livy (4. 4), 'Tribuni plebis, aediles, quaestores nulli erant; institutum est ut fierent,' and that Pomponius also says that the quaestorship was created when the state began to grow rich. But these writers are thinking of the quaestorship purely as a financial office. That in another form it existed under the kings, is attested by Tac. Ann. 11. 22: 'Quaestores regibus etiam tum imperantibus instituti sunt, quod lex curiata ostendit ab L. Bruto repetita'; and by Ulpian and Junius Gracchanus, as appears from the following: 'Origo quaestoribus creandis antiquissima est et paene ante omnes magistratus. Gracchanus denique Junius libro septimo de potestatibus etiam ipsum Romulum et Numam Pompilium binos quaestores habuisse quos ipsi non sua voce sed populi suffragio crearent resert. Sed sicuti dubium est an Romulo et Numa regnantibus quaestor fuerit, ita Tullo Hostilio rege quaestores fuisse certum est. Sane crebrior apud veteres opinio est, Tullum Hostilium primum in rem publicam induxisse quaestores.' (Dig. 1. 13.) The assertion, however, that the quaestors were introduced by Tullus Hostilius, seems founded on an assumption of the identity of the 'quaestores parricidii' and the 'duumviri perduellionis.' (See note on 1. 26, 5.) What Tacitus says about the 'lex curiata' mentioning the quaestors is perhaps to be explained, as Lange suggests, by Cicero's statement (de Rep. 2. 17, 31), 'that Tullius would not use the insignia regia without a decree of the populus, and gained permission from them' (apparently, but the passage is mutilated) 'to have lictors.' In the same way the 'lex curiata' might expressly give the king a power of appointing quaestors.

Although the question is obscure in all its details, the single fact seems highly probable, that the quaestorship as a judicial, not as a financial office, existed in the regal period. The statement of Dio Cassius, preserved to us in Zonaras (7. 13), seems substantially trustworthy. He says of Valerius Poplicola, καὶ τὴν τῶν χρημάτων διοίκησιν ἀλλοι ἀπένειψαν, ἵνα μὴ τούτων ἐγκρατεῖς ὄντες οἱ ὑπατεύοντες μέγα δύνωνται· ὅτε πρῶτον οἱ ταμίαι γίνεσθαι ἡρξαντο· κοιαίστορας δὲ ἐκάλουν αὐτούς· οἱ πρῶτον μὲν τὰς θανατίμους δίκας ἐδίκαζον, ὅθεν καὶ τὴν προσηγορίαν ταύτην διὰ τὰς ἀνακρίσεις ἐσχήκασι καὶ διὰ τὴν τῆς ἀληθείας ἐκ τῶν ἀνακρίσεων ζήτησιν· ὑστερον δὲ καὶ τὴν τῶν κοινῶν χρημάτων διοίκησιν ἔλαχον καὶ ταμίαι προσωνομάσθησαν· μετὰ ταῦτα δὲ ἔτεροις μὲν ἐπετράπη τὰ δικαστήρια, ἐκεῖνοι δὲ τῶν χρημάτων ἥσαν διοικηταί.

XI. *Religion.*

In the historical period Rome had a very rich and complicated religious establishment. There were (1) what are called on the 'Monumentum Ancyranum' the 'quattuor summa Collegia,' i. e. the Pontiffs, the Augurs, the 'xv viri sacris faciundis,' and the 'vii viri epulones;' (2) in a sort of subordination to the Pontiffs, the 'Rex Sacrificulus,' the 'Flamines' or Sacrificers, and the Vestal Virgins; (3) the two 'collegia' of the 'Salii,' and the 'collegium' of the 'Fetiales,' which appear from Polyb. (21. 10) and Tac. (Ann. 10. 64) to have taken in earlier times a higher rank; (4) the 'curiones,' who officiated at the great popular gatherings called 'sacra popularia,' e. g. the Fornacalia, Parilia, &c.; (5) a number of brotherhoods, 'sodalitates,' which existed for the purpose of performing particular religious rites; the principal of these were the 'Luperci,' the 'Sodales Titii,' the 'Fratres Arvales' and the 'Augustales.' Of these, some were connected with particular gentes, e. g. the 'Luperci' with the gens Quintilia and the gens Fabia. The rest of the religious rites performed in Rome were private, belonging to families and 'gentes.'

Now these religious institutions differ from the political institutions of Rome, in being for the most part more ancient. Whereas, of the numerous political offices, only one, the quaestorship, dates from the regal period, and of the political assemblies that had real power only the senate (for the 'comitia centuriata' owes its bare existence, and not its power, to the kings); on the other hand, of the equally numerous religious offices and corporations just enumerated, only two, the 'vii viri epulones' and the 'sodales Augustales,' were established after the regal period.

This fact is most important. Institutions and organisations spring from thought and feeling. As the republican period showed itself to be a political period by producing a multitude of political institutions and scarcely any religious ones, so the regal period, in which the political constitution remained extremely simple, while religious institutions multiplied and became complicated, was evidently a religious period.

As I have remarked, definite religious beliefs (though not religious feeling) were dying out in Rome in the age which produced the earliest historians, Fabius and Cato. It seems likely, therefore, that history from the beginning failed to reflect the religiousness of the earlier ages, and that if we had a contemporary history of the kings, and of the controversy between the patricians and plebeians, we should find religion made much more prominent than it is in the rationalizing narratives that have come down to us. The specially religious character

of the early Romans is strongly asserted by Cicero (N. D. 2. 3, 8) and by Sallust (Cat. 12). The accounts of Numa Pompilius and his religious legislation have nothing, as I have shown, that can be called historical. Nevertheless we find a religious system which must have had an author or authors. That one of the kings was a great religious legislator has therefore certainly no improbability, perhaps even considerable probability.

In order to gain from our knowledge of Roman religion in historical times a conception of what it must have been earlier, we have to inquire what influences were at work to modify it. Some of these suggest themselves at once.

(1) As a conquering state Rome was constantly absorbing the religions of the tribes it conquered. On besieging a town, the Romans used solemnly to evoke the deities dwelling in it. Macrobius has preserved the formula in which the gods of Carthage are invited to leave Carthage and come to live at Rome. It concludes, 'Si ita feceritis voveo vobis templa ludosque facturum.' A good example of this is the temple of Juno Regina of Veii, that was built on the Aventine. (Livy 5. 22.)

(2) New temples and games were frequently vowed by generals in battle or magistrates in time of calamity. They were vowed on condition of help from the deity: 'Si respublica decem annos in eodem statu fuisset' (Livy 42. 28); 'Si respublica in meliorem statum vertisset' (Suet. Oct. 23).

Under the Kings, therefore, we are to consider the number of worships and of temples to have been much smaller than under the late republic. But an occurrence took place at the end of the regal period (according to the tradition) which gradually modified the whole character of the Roman religion, and assimilated it to the Greek. This was the acquisition of

(3) The Sibylline books. These books were referred to not so much for prophecies of future events as for directions about the measures to be taken in the case of exceptional prodigies, when the Pontiffs were at a loss. So Varro about the Sibyl (de R. R. 1. 1): 'Ad cujus libros—publice solemus redire cum desideramus quid faciendum sit nobis ex aliquo portento.' Now as the Sibyl came to the Romans out of the Greek world, it was to be expected that the ceremonies and worships she would direct would be Greek. And this seems to be clearly traceable. (Livy 4. 25; 5. 13; 22. 10; 27. 23; 35. 12.) She directs sacrifices to Apollo with Latona and Diana, to Ceres and Proserpina, to Dis Pater, to Mercurius (Livy 5. 13), to the Idaean Magna Mater (Livy 29. 10),

to Venus, to Aesculapius and Salus (Livy 10. 47; Ep. 11), to Hercules (Livy 5. 13, Ov. Fast. 6. 209) and Juventas (Livy 21. 62), and to Flora (Pliny H. N. 18. 29). Of these deities the Magna Mater and Aesculapius are avowedly foreign, and their worship introduced for the first time by the Sibyl. But we are also expressly told that Apollo was unknown to the earliest Roman religion (Arnob. 2. 73), while he is closely connected with the Sibyl ('Phoebi Triviaeque sacerdos,' Virg. Aen. 6. 36); the connection of Hercules and Juventas reminds us of the marriage of Heracles and Hebe. The other deities, though their names are Italian, answer at least to Greek deities. Moreover, the 'xv viri' (earlier 'x viri,' earlier still 'ii viri') who had charge of the books, are said to sacrifice 'Graeco ritu' (Varro de L. L. 7. 88), 'et nos dicimus xv viros [but others have 'xii viros'] Graeco ritu sacra non Romano facere,' and this agrees with Livy 25. 12.

As then it appeared possible that the story of the Trojan origin of Rome came through the Sibylline books, so now it seems that the influence which was constantly assimilating Roman religion to Greek came from the same quarter. Under the kings, probably, the 'Graecus ritus' was little known.

The 'lectisternium' (a banquet served up to the gods lying on couches), and probably also the 'supplicatio,' which is closely connected with it, prominent features of the later Roman religion, were introduced through the Sibylline books. (Livy 5. 13.) These, therefore, we are to suppose unknown under the kings.

Before the introduction of the Sibylline books, of the four great colleges mentioned above there existed only two. Besides the 'epulones,' who were first created b. c. 196, there were wanting the 'xv viri,' who, at first as 'ii viri,' were appointed to guard the books.

(4) The founding of the Capitoline temple in the later regal period may probably have modified Roman religion considerably. It introduced a period of magnificence in ritual, and closed the age of religious simplicity, which we may call the age of Numa. There is much probability in the conjecture that this foundation is to be connected with the Servian legislation, both together marking the movement by which a powerful and united state was created out of an aggregation of tribes divided from each other by the most rigidly exclusive usages, and divided not less completely in feeling, or what then was co-extensive and identical with feeling—religion. The founding of the Capitoline temple probably answers in Roman history to the founding of Solomon's temple in Jewish.

To sum up then—

(1) In the regal period the Romans had not only all, and more than all, the strong religious feeling that Polybius remarked in them so much later, but they were much more devoted than in the historical period to religious ceremonies and ritual. But the ritual was without splendour or expense ('nam quae perdiscenda quaeque observanda essent multa constituit, sed ea sine impensa,' Cic. de Rep. 2. 14, 27), and the objects of worship were native Italian deities who had not yet been either identified or mixed with the deities of Greece. At the same time some deities were originally common to both nations, e.g. Jovis, *Zéus*, Vesta, *'Eστια*, and some Greek worships were introduced very early, as that of Hercules, on which, however, see above, p. 30.

(2) To perform religious rites was not peculiar to priests, but in the power of every one—private individuals in their own houses, and magistrates in the course of their public functions. But where there was a temple it had an 'aeditus' or curator to take care of it, and a 'sacerdos' to perform the sacred rites.

(3) A few priests enjoyed great dignity. Of these, the principal was the 'flamen Dialis' (see note on 20. 24). But in general the most dignified officers connected with religion were not strictly priests.

(4) There were the two 'collegia' or guilds of 'pontifices' and 'augures' with the inferior guild of the 'fetiales.' These were not so much priests as professors of theology, which divided itself into two parts—the duties of men towards the gods in peace and war, and the interpretation of the will of the gods. The 'Pontifex Maximus' is the director of all religious action in the state; private persons apply to him for instructions; the state learns from him how prodigies are to be dealt with; he presides over inheritance, marriage, burial, dedication of temples, dedication of criminals to the infernal gods. Such powers, at a time when no written law existed, would seem absolutely papal. If, notwithstanding, no 'Pontifex Maximus' plays any prominent part, even in the earliest history of Rome, it is perhaps because in the regal period his power was in the hands of the 'rex sacrificulus,' who was then the king himself. In the historical period this officer appears subordinate, but a trace remains in Festus of his earlier pre-eminence (s. v. *Ordo*, p. 185, ed. Müller, 'Maximus videtur Rex, dein Dialis, post hunc Martialis, quarto loco Quirinalis, quinto Pontifex Maximus'). If in the regal period the king had all the power afterwards possessed by the 'Pontifex Maximus,' it may explain both the character ascribed to Numa Pompilius, and the curious fact, that in an intensely religious state religion never gained the least independence, but was always absolutely subject to authority. The resist-

ance of Attus Navius is the first and last example in Roman history of authority defied by religion.

The result of our whole examination is a very meagre outline, but one in every way probable, of the earliest condition of Rome.

We see a number of 'gentes' or clans living apparently on local districts or 'pagi' side by side. They bear for the most part the names afterwards conspicuous in Roman history as the names of the great patrician houses.

They are divided into three great tribes. They regard themselves as connected both with the Latins and with the Sabines.

Where several sacred places are near together—the Ara Maxima of Hercules, the sacred place of Faunus Lupercus on the Palatine, the temple of Quirinus on the Quirinal—a town springs up. To this the clans resort for festivals, markets, and for common deliberation.

The clans are an exclusive body, and are in possession of various priesthoods and religious privileges. Though we are told of a great Sabine clan—the Clavian—being admitted among them, they do not as a rule admit strangers into their body.

They have a king, chosen from their own body, who rules for life.

He summons round him a council of chiefs or elders, called 'senatus.' This body, whatever deference may be paid to it, has no function beyond that of advising.

He commands the army, presides in the senate, and performs certain sacrifices.

He has the power of appointing two law-officers called 'quaestors.'

There is a general assembly of the clans called 'comitia curiata.' At this, among other things, family questions, such as adoptions from one clan into another, are decided.

The community has a religious ritual of an extremely complicated yet inexpensive kind, to which it is much devoted.

It has religious rites proper to the family and also to the 'gens'; it has also several private religious guilds, which exist to perform certain rites at intervals; sometimes these guilds are connected with particular clans.

It has priests connected with particular temples and some highly venerated priests, but no organized priesthood; a priest is not necessary to a sacrifice.

It has three guilds of persons skilled in theology—the 'pontiffs,' the 'augurs,' and the 'fetiales.'

The king appears to have the supreme religious as well as civil power. The army consists principally of cavalry, which is chosen in equal numbers from the three tribes.

In this primitive constitution a great reform takes place.

In consequence of a great population having grown up outside the clans, an army is formed from the whole community, each citizen being ranked according to his property, and required to provide himself with corresponding arms. This army consists mainly of infantry arrayed in phalanx.

The army so constituted is regarded as a national assembly, and when the will of the nation is to be expressed, a single vote is given to each century of the army.

In order to make the property-register, a new local classification is required. Four local city tribes are established.

At some unknown time, but possibly at the same time, the outside population is admitted into the clans, into the three tribes, and into the 'comitia curiata.' But the original clans continue to regard themselves as being the only true clans.

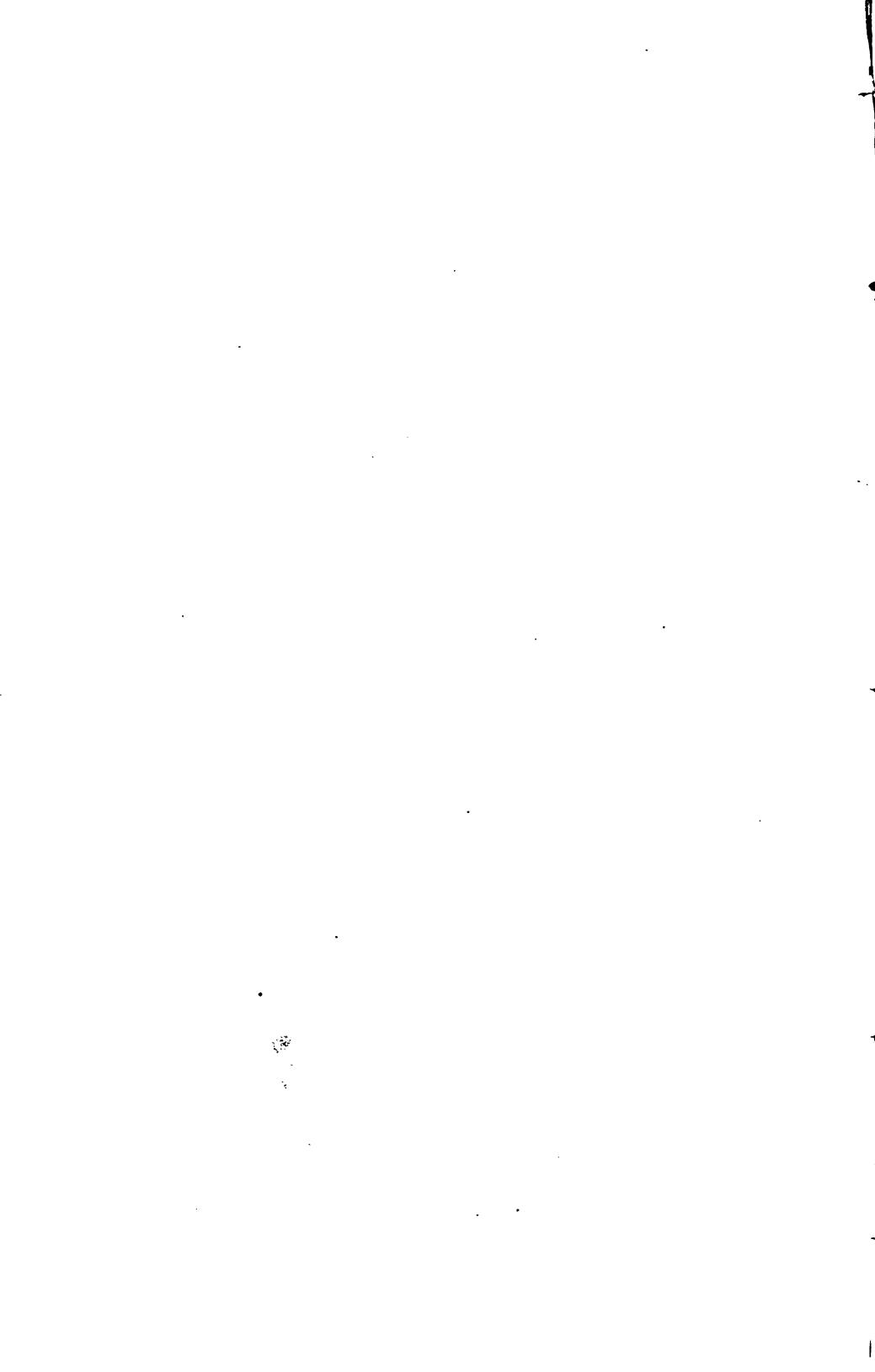
A national temple of unprecedented magnificence is built on the Capitoline hill.

A foreign sacred book is acquired, which introduces a Greek element into the religion of the country.

Finally, a revolution takes place, and the king for life is superseded by two magistrates holding power only for a year.

TITI LIVI

HISTORIARUM AB URBE CONDITA LIBER I.



# TITI LIVI

## HISTORIARUM AB URBE CONDITA LIBER I.

1 FACTURUSNE operae pretium sim, si a primordio urbis  
res populi Romani perscripserim, nec satis scio, nec, si sciam,  
2 dicere ausim, quippe qui cum veterem tum vulgatam esse rem  
videam, dum novi semper scriptores aut in rebus certius aliquid  
allatuos se aut scribendi arte rudem vetustatem superaturos 5  
3 credunt. utcumque erit, iuvabit tamen rerum gestarum me-  
moriae principis terrarum populi pro virili parte et ipsum  
consuluisse; et si in tanta scriptorum turba mea fama in  
obscuro sit, nobilitate ac magnitudine eorum me, qui nomini  
4 efficient meo, consoler. res est praeterea et immensi operis, ut 10

A somewhat confused opening. The outline is:—Of the probable value of his work he thinks it trite to make any prediction; two things are against its success, the multitude of previous writers, and the insignificant and half-forgotten character of the primitive history of Rome: in any case he will find his reward in the consciousness of having done something for the glory of his country, and the distraction of his mind from a painful present.

1. *Facturusne operae pretium sim.* Here the archetype had 'sim pretium,' but we are enabled to correct it by the authority of Quintilian. *Inst. Or.* 9. 4. 74. According to W., 'whether I shall succeed,' 'whether my work will be appreciated.' But Livy could not say that it was a trite or common practice for writers to declare at the beginning of their books that those books would be appreciated. The phrase occurs in 25, 30 and 27. 17. In the former of these passages W. would again translate 'succeed.' But if that passage be examined, and it be remarked how 'si operae pretium faciat' stands opposed to 'si malle obsideri perget,' it will appear that its sense there is that which also suits best here, 'to do some-

thing worth doing.' The common practice of writers referred to by Livy is that of explaining in the preface how it is that their work is likely to be valuable.

8. *consuluisse.* Proleptic, for the preface was plainly written before the history itself. See next page, note 7. Yet in the similar passage of *Tac. Agr.* 3 'non tamen pigebit . . . composuisse,' Ritter insists upon the tense as proving that the Histories were already written.

9. *nobilitate, 'renown.'* See examples in *Forc.* W. translates 'rank,' referring it to historians who were also senators, like Cato and Fabius. But the social rank of an author does not affect his fame a century after his death.

10. *res est praeterea.* In this sentence there is a sort of confusion between the history and the subject of the history, i. e. the Roman Empire. *Tac. Hist.* 1. 2 has precisely the same confusion, 'opus aggredior opimum casibus . . . ipsa etiam pace saevum.'

et immensi. This 'et' corresponds to the 'et' before 'legentium plerisque,' but the construction changes after the long parenthesis.

quae supra septingentesimum annum repetatur, et quae ab exiguis profecta initis eo creverit, ut iam magnitudine laboret sua; et legentium plerisque haud dubito quin primae origines proximaque originibus minus praebitura voluptatis sint, festi-<sup>5</sup> nantibus ad haec nova, quibus iam pridem praevalentis populi vires se ipsae conficiunt. ego contra hoc quoque laboris pree-<sup>5</sup> mium petam, ut me a conspectu malorum, quae nostra tot per annos vidit aetas, tantisper certe, dum prisca illa tota mente repeto, avertam, omnis expers curae, quae scribentis animum <sup>10</sup> etsi non flectere a vero, sollicitum tamen efficere posset.

Quae ante conditam condendamve urbem poeticis magis <sup>6</sup> decora fabulis quam incorruptis rerum gestarum monumentis traduntur, ea nec adfirmare nec refellere in animo est. datur <sup>7</sup> haec venia antiquitati, ut miscendo humana divinis primordia <sup>15</sup> urbium augustiora faciat. et si cui populo licere oportet consecrare origines suas et ad deos referre auctores, ea belli gloria est populo Romano, ut, cum suum conditorisque sui parentem Martem potissimum ferat, tam et hoc gentes humanae patientur aequo animo quam imperium patiuntur. sed haec et his similia <sup>8</sup> <sup>20</sup> utcumque animadversa aut existimata erunt, haud in magno equidem ponam discriminem: ad illa mihi pro se quisque acriter <sup>9</sup> intendat animum, quae vita, qui mores fuerint, per quos viros quibusque artibus domi militiaeque et partum et auctum imperium sit; labente deinde paulatim disciplina velut desi-<sup>25</sup> dentes primo mores sequatur animo, deinde ut magis magisque

2. iam ... laboret, 'begins to be overburdened.'

5. iam pridem. To be taken with 'conficiunt.' He considers the whole period of civil war, that is, from the passage of the Rubicon to the battle of Actium, together.

7. malorum. Important as proving this preface to have been written soon after the civil wars. See above, Introduction, p. 5.

8. illa tota. The MSS. have 'tota illa.' The alteration, which is Madvig's, seems necessary.

10. posset. Madvig alters this to 'possit.' But surely 'scribentis' here may be taken as equivalent to 'si (haec nova) scriberem.' 'curae' here = *arrière pensée*.

11. conditam condendamve, 'be-

fore the city was built or building.' Madvig, Gr. § 414.

12. decora fabulis. Dative. Cp. 42. 10, and 2. 13, 10.

18. potissimum ferat. Translate 'chooses to represent' Mars as its progenitor. 'Potissimum' indicates the preference of one out of many offered for choice.

20. haud in magno equidem ponam discriminem. Construe 'haud' with 'magno,' not with 'ponam,' since 'haud' qualifies adjectives and adverbs, not usually verbs. See note on 8. 3. For the phrase, compare Virgil's 'Tros Tyriusve mihi nullo discriminem agetur' with 'in gloria ponebant,' 26. 37, 6.

21. ad illa, 'to this other point.'

24. disciplina. What we call the *tone of morality*.

lapsi sint, tum ire coeperint praecipites, donec ad haec tempora, quibus nec vitia nostra nec remedia pati possumus, perventum 10 est. hoc illud est praecipue in cognitione rerum salubre ac frugiferum, omnis te exempli documenta in inlustri posita monumento intueri; inde tibi tuaeque rei publicae quod imitere 5 11 capias, inde foedum inceptu, foedum exitu, quod vites. ceterum aut me amor negotii suscepti fallit, aut nulla umquam res publica nec maior nec sanctior nec bonis exemplis ditior fuit, nec in quam civitatem tam serae avaritia luxuriaque inmigraverint, nec ubi tantus ac tam diu paupertati ac parsimoniae honos 10 fuerit: adeo quanto rerum minus, tanto minus cupiditatis erat. 12 nuper divitiae avaritiam et abundantes voluptates desiderium per luxum atque libidinem pereundi perdendique omnia invexere. sed querellae, ne tum quidem gratae futurae, cum forsitan necessariae erunt, ab initio certe tantae ordiendae rei 15 13 absint: cum bonis potius omnibus votisque et precationibus deorum, dearumque, si, ut poetis, nobis quoque mos esset, libentius inciperemus, ut orsis tantum operis successus prosperos darent.

1. *ire coeperint praecipites.* Compare Sall. Fr. 12 (ed. Kritz), 'Ex quo tempore maiorum mores non paullatim ut antea sed torrentis modo praecipitati.'

donec. For this use of 'donec' with the perfect, frequent in Livy, cp. 7, 6, and 34, 12.

2. *remedia.* Probably an allusion to the opposition offered to the reforming measures of Augustus. See Merivale, Hist. vol. iv. p. 42.

4. *te exempli . . . inde tibi tuaeque.* Madvig, Lat. Gr. § 370. Obs. 2, remarks that 'te,' 'tibi,' and 'tuus' are used sometimes, as here, of an undefined subject, but 'tu' scarcely ever. He quotes Cic. Verr. 5. 26 'Nullum est testimonium victoriae certius quam, quos saepe metueris, eos te vinctos ad supplicium duci videre.' Ovid, Met. 4. 399 has

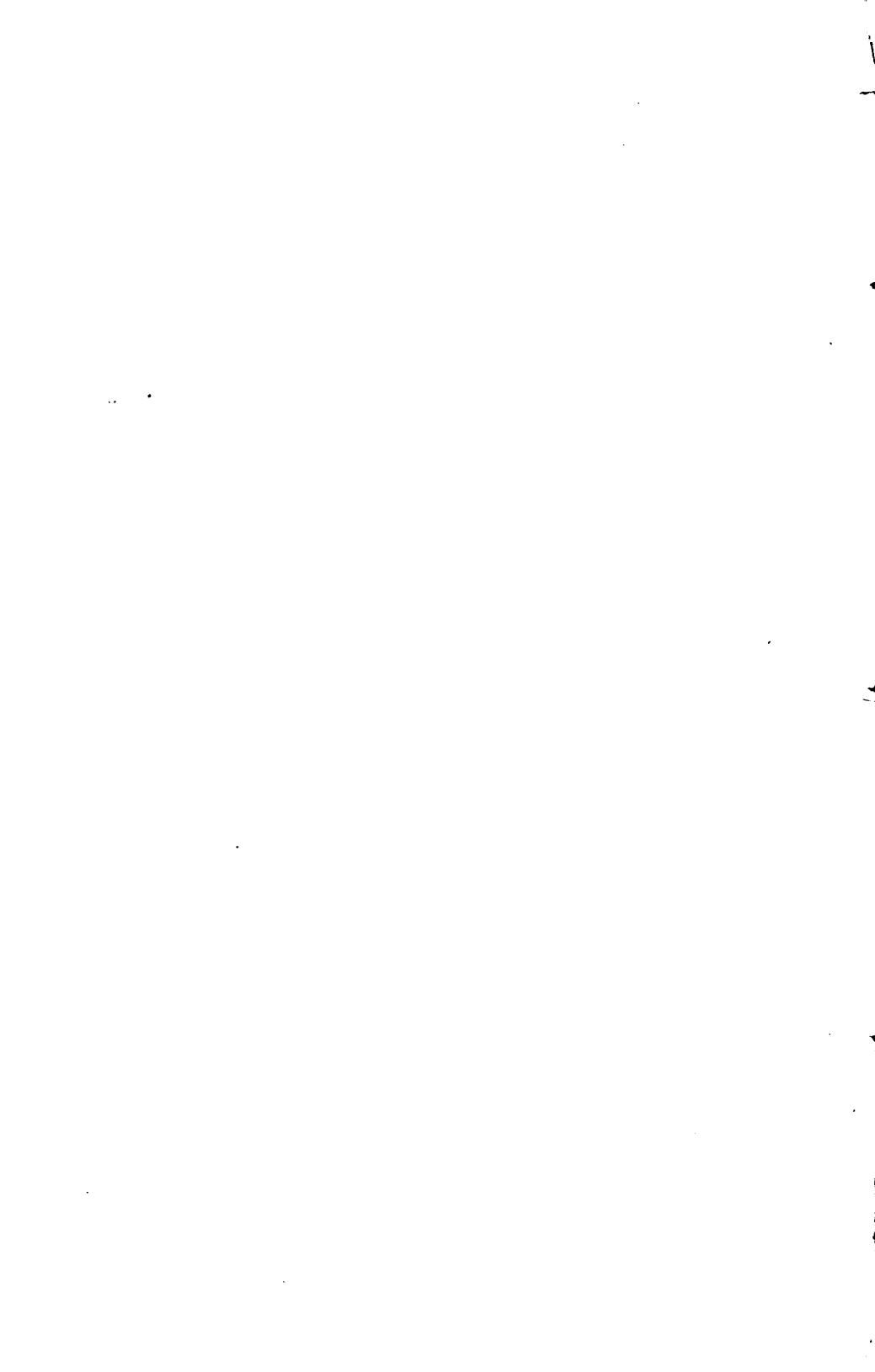
'Tempusque subibat,  
Quod tu nec tenebras nec possis dicere  
lumen.'

and see Ter. Hec. I. 2, 79. 'Omnis exempli documenta' is 'instructive instances of every way of acting.'

9. *serae.* Used adverbially, as is often the case with this adjective. Kühnast, p. 56, has collected the adjectives used by Livy in this way. Below we have 'sublimis' (16. 2) and 'caelstis' (31. 28). See notes on 4. 9 and 5. 20.

13. *luxus* is 'excessive indulgence,' 'luxuria,' just above, is the disposition to excessive indulgence.

14. *cum forsitan necessariae erunt.* That is when I come to write the history of the civil wars. 'Forsitan' not followed by the subjunctive is characteristic of Livy, cp. 53, 8.



## PERIOCHA LIBRI I.

Adventus Aeneae in Italiam et res gestae. Ascani regnum Albae et deinceps Silviorum. Numitoris filia a Marte compressa, nati Romulus et Remus. Amulius obtruncatus. urbs a Romulo condita. senatus lectus. cum Sabinis bellatum. spolia opima Feretrio Iovi lata. in curias populus divisus. Fidenates Veientes victi. Romulus consecratus. 5

Numa Pompilius ritus sacrorum tradidit. porta Iani clausa.

Tullus Hostilius Albanos diripuit. trigeminorum pugna. Metti Fufeti supplicium. Tullus fulmine consumptus.

Ancus Martius Latinos devicit, Ostiam condidit.

Tarquinius Priscus Latinos superavit, circum fecit, finitimos devicit, muros et 10 cloacas fecit.

Servio Tullio caput arsit. Servius Tullius Veientes devicit, et populum in classes divisit; aedem Diana dedicavit.

Tarquinius Superbus occiso Tullio regnum invasit. Tulliae scelus in patrem. Turnus Herdonius per Tarquinium occisus. bellum cum Vulscis. fraude Sex. Tarquinii 15 Gabii direpti. Capitolium inchoatum. Terminii et Iuventae aerae moveri non potuerunt. Lucretia se occidit. Superbi expulsio. regnatum est annis CCLV.

LATINIS VICTIS MONTEM AVENTINUM adsignavit, fines protulit, Hostiam coloniam deduxit. caerimonias a Numa institutas renovavit. Hic temptandae scientiae Atti Navi auguris causa fertur consuluisse eum, an id de quo cogitaret effici 20 posset; quod cum ille fieri posse dixisset, iussisse eum novacula cotem praecidere, idque ab Atto protinus factum. regnavit annis XXIIII. Lucumo Demarati Corinthii filius a Tarquinii, Etrusca civitate, Romam venit et in amicitiam Anci receptus Tarquinii Prisci nomen ferre coepit et post mortem Anci regnum exceptit. centum in

Periocha. This, not 'Epitoma,' is the title in the Codex Nazarianus, a MS. in which these Arguments appear by themselves. It was made the foundation of an edition of the Periochae, published by Otto Jahn in 1853. He considers it both older and better than the MSS. which previous editors had used. He remarks that these 'Periochae' seem to have been written at the end of the copies of Livy, not at the beginning, since no old MS. of the first decad has them. Afterwards they were published separately. We have 'Periochae' of Homer in Ausonius. It is plain that this 'Periocha' originally ended at 'regnatum est annis CCLV,' and that what follows was added later, perhaps by another hand, and without any order.

17. regnatum est annis CCLV. So the MSS. But it is not accurate, as may be seen

in 1. 60, 3. Here ends the original 'Periocha.'

18. Latinis victis. This evidently refers to Ancus.

Hostiam coloniam. 'Ostia' is meant: see 1. 33. 9.

19. Hic temptandae, etc. This sentence stands so in Cod. Naz.; but its right place is evidently, where W. prints it, after 'annis XXXVIII.' The mistake may have arisen in this way:—a copyist may have been misled by the resemblance of the endings 'annis XXIIII' and 'annis XXXVIII,' so as to put the sentence 'Hic temptandae,' etc., after the former instead of the latter. Then, to remove the evident confusion, another copyist may have taken the obvious but ignorant course of giving the story of the whetstone to Ancus, by placing it a sentence earlier instead of a sentence later.

patres allegit, Latinos subegit, ludos in circo edidit, equitum centurias ampliavit, urbem muro circumdedit, cloacas fecit. occisus est ab Anci filiis, cum regnasset annis XXXVIII. Successit ei Servius Tullius, natus ex captiva nobili Corniculana, cui pueru adhuc in cunis posito caput arsisse traditum erat. is censum primum egit, lustrum 5 condidit, quo censa LXXX milia esse dicuntur, pomerium protulit, colles urbi adiecit Quirinalem Viminalem Esquilinum, templum Diana cum Latinis in Aventino fecit. imperfectus est a Lucio Tarquinio, Prisci filio, consilio filiae suae Tulliae, cum regnasset annis XLIIII.

Post hunc L. Tarquinius Superbus neque patrum neque populi iussu regnum invasit. 10 is armatos circa se in custodiam sui habuit. bellum cum Vulscis gessit et ex spoliis eorum templum in Capitolio Iovi fecit. Gabios dolo in potestate sua redegit. huic filiis Delphos profectis et consulentibus, quis eorum Romae regnaturus esset, dictum est eum regnaturum, qui primum matrem osculatus esset. quod responsum cum 15 ipsis aliter interpretarentur, Iunius Brutus, qui cum eis profectus erat, prolapsum se simulavit et terram osculatus est. idque factum eius eventus conprobavit. nam cum inpotenter se gerendo Tarquinius Superbus omnes in odium sui adduxisset, ad ultimum propter expugnatam nocturna vi a Sexto filio eius Lucretiae pudicitiam, quae ad se vocato patre Tricipitino et viro Conlatino obtestata, ne inulta mors eius esset, cultro 20 se interfecit, Bruti opera maxime expulsus est, cum regnasset annos XXV. tum consules creati sunt L. Iunius Brutus L. Tarquinius Conlatinus.

ii. in potestate sua. Evidently it should be 'potestatem suam.'

# TITI LIVI

## HISTORIARUM AB URBE CONDITA LIBER I.

I. Iam primum omnium satis constat Troia capta in ceteros saevitum esse Troianos; duobus Aeneae Antenorique, et vetusti iure hospitii et quia pacis reddendaeque Helenae semper auctores fuerant, omne ius belli Achivos abstinuisse. casibus deinde variis Antenorem cum multitudine Enetum, qui seditione ex Paphlagonia pulsi et sedes et ducem rege Pylaemene ad Troiam amissio quaerebant, venisse in intimum maris Adriatici sinum; Euganeisque, qui inter mare Alpesque incolebant, pulsis Enetos Troianosque eas tenuisse terras. ei in quem primum egressi sunt locum Troia vocatur, pagoque Troiano inde nomen est; gens universa Veneti appellati. 4 Aeneam ab simili clade domo profugum, sed ad maiora rerum

With chaps. i. ii. cp. *Hist. Ex.* pp. 20-26.

1. Iam primum omnium, 'to begin with.' Used at the beginning of an enumeration or narrative which is likely to be long, 5. 51, 6; 9. 17, 5, *Virg. Aen.* 8. 190, 'satis constat, 'it is generally agreed.' W. argues that this does not necessarily mean that Livy believed it, since we have 27. 11, 4 'Prverni satis constat bovem locutum.' We may certainly gather from 24. 10, 6 that Livy had his doubts of these prodigies. Still he sometimes relates them as history without any expression of doubt (41, 21); and it is hard to imagine a stronger phrase of belief than 'satis constat.' Writers often allow themselves to use the language of belief concerning things which they have deliberately resolved not to call in question: 'ea nec affirmare nec refellere in animo est.' Nor does Livy doubt the early history, but only the miraculous part of it.

2. saevitum esse, 'saevire in' here is 'to massacre.'

Aeneae Antenorique. The legend of Antenor seems founded on the fact that a tribe of Eneti are mentioned as living in Paphlagonia by Homer, Il. 2. 852. The

name answered to the Veneti, who have given their name to Venice. As the Eneti were on the Trojan side, it was natural to put them under a Trojan leader. Antenor was chosen on account of Il. 3. 207 ('vetusti iure hospitii') and 7. 350 ('quia pacis reddendaeque,' etc.). Nothing of the kind is said about Aeneas in Homer, but in Il. 2. 822 he is very closely connected with Antenor. The real story of Aeneas' escape from Troy Livy avoids as involving the supernatural. We should expect 'ab Aenea,' but the free use of the dative is characteristic of Livy. 'Fuerant' is the reading adopted by Madvig; M. has 'fuerunt.'

4. casibus deinde variis, 'their fortunes diverging from this point.'

6. rege Pylaemene .. amissio. *Hom. Il. 5.* 576.

7. maris Adriatici. Madvig reads 'Adriatici maris.'

9. ei. So Madvig for 'et.'

10. Troia vocatur. See note on 40, 15.

12. maiora rerum initia. For 'maiorum,' Cp. 'iusti cursum amnis' 4. 24, and 'violati hospitii foedus' 9, 13.

initia ducentibus fatis primo in Macedoniam venisse, inde in Siciliam querentem sedes delatum, ab Sicilia classe ad Laurentem agrum tenuisse. Troiae et huic loco nomen est. ibi egressi 5 Troiani, ut quibus ab immenso prope errore nihil praeter arma et naves superesset, cum praedam ex agris agerent, Latinus rex Aboriginesque, qui tum ea tenebant loca, ad arcendam vim advenarum armati ex urbe atque agris concurrunt. Duplex 6 inde fama est: alii proelio victum Latinum pacem cum Aenea, deinde adfinitatem iunxisse tradunt, alii, cum instructae acies 7 10 constitissent, priusquam signa canerent, processisse Latinum inter primores ducemque advenarum evocasse ad conloquium; percunctatum deinde, qui mortales essent, unde aut quo casu profecti domo, quidve querentes in agrum Laurentem existent, postquam audierit multitudinem Troianos esse, ducem 8 15 Aeneam filium Anchisae et Veneris, cremata patria domo profugos sedem condendaeque urbis locum quaerere, et nobilitatem admiratum gentis virique et animum vel bello vel paci paratum dextra data fidem futurae amicitiae sanxisse. inde 9 foedus ictum inter duces, inter exercitus salutationem factam; 20 Aeneam apud Latinum fuisse in hospitio. ibi Latinum apud penates deos domesticum publico adiunxisse foedus filia Aeneae in matrimonium data. ea utique res Troianis spem adfirmat 10 tandem stabili certaque sede finiendi erroris. oppidum condunt; Aeneas ab nomine uxoris Lavinium appellat. brevi stirps quo- 11 25 que virilis ex novo matrimonio fuit, cui Ascanium parentes dixere nomen.

1. in Macedoniam .. in Siciliam. That is, first to Aenea (comp. 40. 4, 9), then to Egesta.

3. tenuisse. Supply 'cursum.' W. compares 31. 45, 14 'ad Mendeum tenerunt,' and 21. 49, 2. 'Troiae,' Madvig's correction for Troia.

4. ab immenso prope errore. 'Immensus' is literally infinite, not, like the English 'immense,' merely 'very large'; it therefore requires 'prope.' Comp. Milton's 'Of amplitude almost immense.'

7. Duplex inde, 'from this point.'

13. quidve querentes. 'Aut' and 've' must here be rendered 'and,' not 'or.' Wagner, 'Quaestiones Vergilianae,' remarks that Virgil always writes 've' instead of 'que' with the second of two interrogatives, and the same tendency is to be observed in other writers.

Laurentem. So M. F. and Madvig. Other MSS. have 'Laurentinum.'

16. urbis: 'urbi,' P. and Madvig.

22. ea utique res . . . spem adfirmat. 'Ea res' is the marriage-alliance: 'utique' implies that the hope had existed in their minds before; so does the 'ad' in 'adfirmat.'

24. stirps quoque virilis. 'Stirps,' when applied to a family, has two strangely different meanings. It means sometimes 'origin' or 'ancestor,' sometimes 'offspring.' Cp. such passages as Virg. Aen. 1. 630, 5. 711 with 6. 865

'Filius anne aliquis magna de stirpe nepotum.'

Cp. too 4, 3. Both M. and P. here have 'stirpis,' which may possibly be another form of the nominative.

25. Ascanium. See 3, 2.

1 II. Bello deinde Aborigines Troianique petiti. Turnus rex Rutulorum, cui pacta Lavinia ante adventum Aeneae fuerat, praelatum sibi advenam aegre patiens, simul Aeneae  
 2 Latinoque bellum intulerat. neutra acies laeta ex eo certamine abiit: victi Rutuli, victores Aborigines Troianique ducem 5  
 3 Latinum amisere. inde Turnus Rutulique diffisi rebus ad florentes opes Etruscorum Mezentiumque regem eorum confugiunt, qui Caere, opulento tum oppido, imperitans, iam inde ab initio minime laetus novae origine urbis, et tum nimio plus quam satis tutum esset accolis rem Troianam crescere 10  
 4 ratus, haud gravatim socia arma Rutulis iunxit. Aeneas, adversus tanti belli terrorem ut animos Aboriginem sibi conciliaret, nec sub eodem iure solum sed etiam nomine omnes  
 5 essent, Latinos utramque gentem appellavit. nec deinde Aborigines Troianis studio ac fide erga regem Aeneam cessere. 15 fretusque his animis coalescentium in dies magis duorum populorum Aeneas, quamquam tanta opibus Etruria erat, ut iam non terras solum sed mare etiam per totam Italiae longitudinem ab Alpibus ad fretum Siculum fama nominis sui implesset, tamen, cum moenibus bellum propulsare posset, 20  
 6 in aciem copias eduxit. secundum inde proelium Latinis, Aeneae etiam ultimum mortalium operum fuit. situs est, quemcumque eum dici ius fasque est, super Numicum fluvium; Iovem indigetem appellant.

5. ducem Latinum amisere. Livy does not say how. The tradition said that he was translated ('nusquam apparuit.' Cp. οὐχ ἐπόστερο, Ep. Heb. II. 5) and became 'Iuppiter Latifaris' (Festus s. v. Oscillantes, p. 194), which is a mere repetition of what is related just below of Aeneas. In order not to tell the same story of two different people in the same chapter, Livy here slurs it.

6. ad florentes opes. 'Florentes' is 'celebrated' rather than 'prosperous.' See Nägelsbach's Stilistik, p. 362.

8. Caere. W. calls this the ablative, i.e. the locative. But this would require 'in opulento tum oppido.' See Madvig, § 273. a. Obs. 'Imperitans' also naturally takes a dative. It is true that 'Caere' does not occur elsewhere as a dative.

9. nimio plus, 'altogether too much.' Somewhat conversational. Compare 2. 37. 4.

14. deinde, 'from that time forth.' Cp. 7. 2.

16. fretusque. For 'que' in this sense, 'the result was that,' cp. 42, 4 and 5. 26, 10.

21. secundum, 'favourable,' as appears from 'fusis Etruscis' in 3, 4.

23. quemcumque eum dici, etc. The importance which the ancients attached to the name by which they addressed a deity appears from many well-known passages; 'Matutine pater seu Iane libertius audis,' and the curious passage in Aesch. Ag. 155. Paley.

super Numicum. Cp. 27. 48, 2, and 31. 39, 6.

24. Iovem indigetem. On the vexed question of the 'Di indigetes,' see Preller, Röm. Myth. p. 80. It was perhaps *Pater* not Juppiter Indiges that was worshipped by the Numicus. Cp. 'Tiberine pater,'

2. 10, 11. Dionysius (I. 64) says the inscription at the θρῶν of Aeneas was Πατρὸς Θεοῦ Χθονίου (i.e. Indigetis) "Ος Ποταμοῦ Νομίκου δεῦμα διέτει.

III. Nondum matus imperio Ascanius Aeneae filius 1 erat; tamen id imperium ei ad puberem aetatem incolume mansit. tantisper tutela muliebri, tanta indoles in Lavinia erat, res Latina et regnum avitum paternumque puero stetit. haud 2 ambigam—quis enim rem tam veterem pro certo adfirmet?— hicine fuerit Ascanius, an maior quam hic, Creusa matre Ilio incolumi natus comesque inde paternae fugae, quem Iulum eundem Italia gens auctorem nominis sui nuncupat. is Ascanius, 3 ubicumque et quacumque matre genitus—certe natum Aenea 10 constat—abundante Lavini multitudine florentem iam, ut tum res erant, atque opulentam urbem matri seu novercae reliquit, novam ipse aliam sub Albano monte condidit, quae ab 'situ' porrectae in dorso urbis Longa Alba appellata.

Inter Lavinium et Albam Longam deductam coloniam 4 15 triginta ferme interfuere anni. tantum tamen opes creverant maxime fusis Etruscis, ut ne morte quidem Aeneae, nec deinde inter muliebrem tutelam rudimentumque primum puerilis regni movere arma aut Mezentius Etruscique aut ulli alii accolae ausi sint. pax ita convenerat, ut Etruscis Latinisque fluvius Albula, 5

With chap. iii. cp. Hist. Ex. pp. 26-28.

4. res Latina . . . puero stetit. Cp. the very similar passage, Virg. Aen. I. 268 'dum res stetit Ilia regno.'

9. quacumque. For this use of 'quicunque' without a verb, commoner in Livy than in Cicero, cp. 39, 5, and see Kühnast, p. 196.

10. multitudine. The regular Latin for 'population.'

13. porrectae. This word is generally used of a horizontal line. So Recta montium, collium flexa, porrecta camporum. Minuc. Fel. Oct. 17.

dorso, cp. 'Apennini dorso,' 36. 15, 6.

Longa Alba. A good example of the Latin way of emphasizing a word by putting it slightly out of its place. The natural place of the Latin adjective is after its substantive. Cp. 'Romanae urbis,' below, 9, and 'Stator Jovi,' 12, 6.

14. Inter Lavinium, i. e. 'conditum.'

15. triginta . . . anni. See the story of the sow with her litter of thirty, Virg. Aen. 8. 44. It does not seem a mere invention of chronologers. But probably the thirty had originally no reference to time. The sow and thirty pigs seem to have been symbolical of the Latin league of thirty towns.

16. ne morte quidem Aeneae. Above, Livy did not venture to say that Aeneas *died*. Here he assumes it. 'Morte' is an ablative of date. See Madvig, Lat. Gr. § 276. Obs. 2. W. compares 38. 54. I 'Morte Africani crevere inimicorum animi.'

17. inter muliebrem tutelam. 'Inter' is here 'during.' See examples in Forc.

18. ausi sint. This use of the perfect subjunctive has been elaborately discussed by Dräger, and also by Kühnast (p. 217). It is explained as marking that a past occurrence is looked at from the point of view of the present. So here, 'ut ausi sint' = 'ut dicere liceat' or 'oporteat non ausos esse.' Cp. 2. 6, 9; 5. 13, 1.

19. Albula, quem nunc Tiberim vocant. The whole mythology of the Tiber is collected in Preller, Rom. Myth. 510. The root 'Tib' is found in many Italian proper names: 'Tebae,' 'Tibur,' 'Tiburnus.' Preller supposes it to mean a mountain-torrent. 'Albula' seems to refer to the colour of the water. So Aen. 7 'Sulfurea Nar *albus* aqua.' Some connect it with 'Alpes.'

6 quem nunc Tiberim vocant; finis esset. Silvius deinde regnat,  
 7 Ascani filius, casu quodam in silvis natus. is Aeneam Silvium  
 creat; is deinde Latinum Silvium. ab eo coloniae aliquot  
 8 deductae, Prisci Latini appellati. mansit Silviis postea omnibus  
 cognomen, qui Albae regnaverunt Latino Alba ortus, Alba 5  
 Atys, Atye Capys, Capye Capetus, Capeto Tiberinus, qui in  
 traiectu Albulae amnis submersus celebre ad posteros nomen  
 9 flumini dedit. Agrippa inde Tiberini filius, post Agrippam  
 Romulus Silvius a patre accepto imperio regnat. Aventino  
 fulmine ipse ictus regnum per manus tradidit. is sepultus in eo 10  
 colle, qui nunc pars Romanae est urbis, cognomen colli fecit.  
 10 Proca deinde regnat. is Numitorem atque Amulium procreat;  
 Numitori, qui stirpis maximus erat, regnum vetustum Silviae  
 gentis legat. plus tamen vis potuit quam voluntas patris aut  
 11 verecundia aetatis. pulso fratre Amulius regnat. addit sceleri 15  
 scelus: stirpem fratris virilem interimit, fratris filiae Reae  
 Silviae per speciem honoris, cum Vestalem eam legisset, per-  
 petua virginitate spem partus adimit.

1 IV. Sed debebatur, ut opinor, fatis tantae origo urbis  
 2 maximique secundum deorum opes imperii principium. vi 20  
 compressa Vestalis cum geminum partum edidisset, seu ita  
 rata, seu quia deus auctor culpae honestior erat, Martem  
 3 incertae stirpis patrem nuncupat. sed nec dii nec homines aut  
 ipsam aut stirpem a crudelitate regia vindicant: sacerdos vincita  
 in custodiam datur, pueros in profluentem aquam mitti iubet. 25

4 Forte quadam divinitus super ripas Tiberis effusus lenibus

1. regnat . . . . creat . . . . deductae.  
 Remark that throughout this passage the  
 accession of each king is announced in the  
 present, their deeds in the perfect, tense.

10. sepultus. In other words, 'wor-  
 shipped,' as above, 2, 6. 'Romanae' is  
 emphatic because Aventinus is king of  
 Alba, not of Rome. See above, 13.

15. sceleri scelus. Cp. 47, 1.

17. cum Vestalem eam legisset.  
 The appointment of Vestals, and also the  
 jurisdiction over them, belonged to the  
 Pontifex Maximus. It is here attributed  
 to the king. The word used is sometimes  
 'legere,' sometimes 'capere.' Cp. 20, 3.

With chaps. iv-vii. cp. Hist. Ex. pp. 29-35.

25. iubet, i. e. Amulius. For a similar  
 carelessness in omitting the subject, see 41, 3.  
 46, 10. Why do we hear nothing more of

Rea Silvia? Because the sequel of the  
 story was miraculous, representing her as  
 made a goddess and wife of the river-god.

26. Forte quadam divinitus. Gruter  
 and Merula conjectured 'an divinitus,' on  
 the ground that chance and providence are  
 opposed to each other. J. F. Gronovius,  
 however, aptly quotes 5. 49, 1, where the  
 two are identified, 'Sed dique et homines  
 prohibere redemptos vivere Romanos,  
 nam forte quadam,' etc. Tennyson has—  
 'These jewels whereupon I chanced divinely.'  
 Madvig adopts the conjecture on a different  
 ground, viz. that Livy could not positively  
 assert, though he might conjecture, that the  
 occurrence was providential. But he has  
 already asserted it in 'debebatur, ut opinor,  
 fatis,' etc. 'Forte quadam divinitus' seems  
 a translation of θείᾳ τῷ τύχῃ, the adverb

stagnis nec adiri usquam ad iusti cursum poterat amnis, et posse quamvis languida mergi aqua infantes spem fermentibus dabat. ita velut defuncti regis imperio in proxima eluvie, ubi 5 nunc ficus Ruminalis est—Romularem vocatam ferunt—pueros 5 exponunt. vastae tum in iis locis solitudines erant. tenet fama, 6 cum fluitantem alveum, quo expositi erant pueri, tenuis in sicco aqua destituisset, lupam sitientem ex montibus qui circa sunt ad puerilem vagitum cursum flexisse; eam summissas infantibus adeo mitem praebuisse mammas, ut lingua lambentem pueros 10 magister regii pecoris invenerit. Faustulo fuisse nomen ferunt. ab eo ad stabula Larentiae uxori educandos datos. sunt qui 7 Larentiam vulgato corpore lupam inter pastores vocatam putent; inde locum fabulae ac miraculo datum.

Ita geniti itaque educati, cum primum adolevit aetas, nec in 8 stabulis nec ad pecora segnes venando peragrare saltus. hinc 9 robore corporibus animisque sumpto iam non feras tantum subsistere, sed in latrones praeda onustos impetus facere, pas-

with the noun being in Livy's manner as 'nullo publice emolumento' 6, 39. It is the opposite of 'forte temere,' 'by mere haphazard.'

1. ad iusti cursum poterat amnis. The sentence is most perplexed. It must be rendered, 'Tiber could not be approached, that is, 'It was impossible to approach the actual bed of the river,' 'poterat adiri' being taken first personally and then impersonally. I confess that J. F. Gronovius' conjecture, though neglected by the later editors, seems to me necessary. He would omit 'poterat' and make 'adiri,' like 'mergi,' dependent on 'spem dabat posse.' Or we might read 'permiserat' for 'poterat.' 'nec—et' here = 'ut non—ita,' i.e. though not—yet. On 'justi' see above, 1. 12.

2. quamvis. For 'quamvis' without a verb, cp. 16, 6.

3. in proxima eluvie, 'at the nearest point of the overflow.' The MSS. have 'alluvie,' which, however, does not seem properly to have this sense.

5. vastae, not 'large' but 'wild': 'iis' is Madvig's reading for 'his.'

9. adeo mitem. The adjective for the adverb belongs particularly to states of mind. Cp. 'infensa' 2. 49, 3, and 'ferocior' 4. 37, 10.

15. segnes. With 'segnes in' cp. 35, 26, 4 'rudis in re navali'; with 'segnes ad'

cp. 21. 25, 6 'gens pigerrima ad militaria opera,' and 24. 13, 11 'segnior ad credendum Nolani.'

venando, i.e. though not neglecting their pastoral occupations, yet they were especially devoted to hunting. On this omission of the adverb, see the instructive discussion in Nägelsbach, *Stilistik*, § 84. He remarks that it is much more common in Livy than Cicero, and refers to 2. 56, 4; 3. 19, 6; 8. 9, 8, but in none of these instances is the omission so marked as here. Dr. Dyer seems to misunderstand the passage where he translates, 'As the boys grew up they took to hunting instead of slothfully tending the cattle,' Kings of Rome, p. 43.

peragrare saltus. Madvig reads 'circa saltus,' with some MS. authority.

16. iam non feras tantum subsistere. Remark the use of 'iam' for the beginning of an action. 'They began not to confine themselves to lying in wait for wild beasts,' etc. So 10. 43, 6 'postquam iam non ex intervallo sed continuo cerebatur res,' 'when the fight began to be at close quarters instead of from a distance.' W. renders 'subsistere,' 'withstand.' But hunting consists in attack, not resistance. The word has the sense of 'lying in wait' in 22, 12 and 9, 23. It is not elsewhere followed by the accusative, but 'subsidere' is.

toribusque rapta dividere, et cum his crescente in dies grege iuvenum seria ac iocos celebrare.

1 V. Iam tum in Palatio monte Lupercal hoc fuisse ludicrum ferunt, et a Pallanteo, urbe Arcadica, Pallantium, dein Palatum 2 montem appellatum. ibi Euandrum, qui ex eo genere Arcadum 5 multis ante tempestatibus tenuerit loca, sollemne allatum ex Arcadia instituisse, ut nudi iuvenes Lycaeum Pana venerantes 8 per lusum atque lasciviam current, quem Romani deinde vocaverunt Inuum. huic deditis ludicro, cum sollemne notum esset, insidiatos ob iram praedae amissae latrones, cum Romulus 10 vi se defendisset, Remum cepisse, captum regi Amulio tra- 4 didisse ultro accusantes. criminis maxime dabant in Numitoris agros ab iis impetum fieri; inde eos collecta iuvenum manu 15 hostilem in modum praedas agere. sic ad supplicium Numitori Remus deditur.

5 Iam inde ab initio Faustulo spes fuerat regiam stirpem apud se educari: nam et expositos iussu regis infantes sciebat, et tempus, quo ipse eos sustulisset, ad id ipsum congruere; sed rem inmaturam nisi aut per occasionem aut per necessitatem 6 aperiri noluerat. necessitas prior venit. ita metu subactus 20 Romulo rem aperit. forte et Numitori, cum in custodia Remum haberet, audissetque geminos esse fratres, comparando et aetatem eorum et ipsam minime servilem indolem tetigerat animum memoria nepotum; sciscitandoque eodem pervenit, 7 ut haud procul esset, quin Remum agnosceret. ita undique regi 25 dolus nectitur. Romulus non cum globo iuvenum, nec enim

3. *Palatio monte.* Madvig marks 'monte' as interpolated, saying, 'Palatum mons coniunctim non dicitur.'

hoc fuisse ludicrum, 'the festival still in use.'

6. multis ante tempestatibus, 'many ages before.' 'Tempestas' is seldom used of so long a period. Cp. 26. 32, 3.

9. *Inuum.* Apparently from 'ineo,' a god of the copulation of cattle.

11. *cepisse, captum.* See note on 10, 21.

12. *ultra accusantes.* 'Ulro' generally means contrary to what might be expected; here 'impudently,' because the knaves accused the honest men.

13. *iuvenum manu.* See on 31, 3. 18. *ad id ipsum congruere,* 'corre- 20. *aperiri.* P. here has 'aperire,' which W. adopts.

prior. The adverbial use of this adjective is found in all writers. So too of 'proximus'; see 16, 2 and 28, 3.

22. *comparando.* On this use of the gerund, see Madvig, Lat. Gr. § 416. Obs. 1, and compare 'conciendo' 8, 5.

24. *eodem pervenit,* that is, got as far as Faustulus.

25. *haud procul esset.* 'Esset' is impersonal.

26. *cum globo iuvenum.* See on 31, 3.

erat ad apertam vim par, sed aliis alio itinere iussis certo tempore ad regiam venire pastoribus ad regem impetum facit, et a domo Numitoris alia comparata manu adiuvat Remus. ita regem obtruncant.

5 VI. Numitor inter primum tumultum hostis invasisse urbem 1 atque adortos regiam dictitans, cum pubem Albanam in arcem praesidio armisque obtinendam avocasset, postquam iuvenes perpetrata caede pergere ad se gratulantes vidit, extemplo advocato concilio scelus in se fratribus, originem nepotum, ut 10 geniti, ut educati, ut cogniti essent, caedem deinceps tyranni seque eius auctorem ostendit. iuvenes per medium contionem 2 agmine ingressi cum avum regem salutassent, secuta ex omni multitudine consentiens vox ratum nomen imperiumque regi efficit.

25 Ita Numitori Albana re permissa Romulum Remumque 3 cupido cepit in iis locis, ubi expositi ubique educati erant, urbis condendae. et supererat multitudo Albanorum Latinorumque; ad id pastores quoque accesserant, qui omnes facile spem facerent parvam Albam, parvum Lavinium pae ea urbe, quae 20 conderetur, fore. intervenit deinde his cogitationibus avitum 4 malum, regni cupido, atque inde foedum certamen coortum a satis miti principio. quoniam gemini essent, nec aetatis verecundia discrimen facere posset, ut dii, quorum tutelae ea loca essent, auguriis legerent, qui nomen novae urbi daret, qui 25 conditam imperio regeret, Palatium Romulus, Remus Aventinum ad inaugurandum tempa capiunt.

1. ad apertam. 'Ad' with 'par' is very unusual; 26. 16, 3 compared by Kühnast seems not similar.

2. ad regem impetum facit. 'Ad regem' for 'in regem' seems particularly harsh as it follows 'ad regiam' so closely. Cp. however, 'ad hos legio ducta' in 11, 1.

II. eius auctorem ostendit. That is, assumes the responsibility of it, as having allowed Remus to take part in it from his house.

12. agmine ingressi. For this ablative, cp. 3. 50, 3, and see Madvig, § 258. Obs. 2.

17. supererat multitudo, 'the population was excessive.' See in Forc. other examples of this use of 'superesse': 'id' in the next clause refers to the redundant part.

22. essent . . . posset. The subjunctions express the considerations in the minds of the brothers.

23. tutelae. For this genitive, compare 24. 22, 15 and 42. 19, 5.

24. qui nomen. Perhaps for 'eum qui,' perhaps for 'quis.' 'Qui' is now and then used for 'quis' in dependent interrogations. See Madvig, Lat. Gr. § 88. Obs. 1. Here, however, it would stand for 'uter,' as in Lucan's famous lines:—

'*Quis* iustius induit arma.  
Scire nescias; magno se iudice *quisque* tueris,' etc.

26. tempa. 'Templum' is defined by Varro as a space marked in a certain form of words for the purpose of augury or auspice.

1 VII. Priori Remo augurium venisse fertur sex vultures, iamque nuntiato augurio cum duplex numerus Romulo sese ostendisset, utrumque regem sua multitudo consulataverat. tempore illi praecerto, at hi numero avium regnum trahebant. 2 inde cum altercatione congressi certamine irarum ad caedem 5 vertuntur. ibi in turba ictus Remus cecidit. vulgatior fama est ludibrio fratris Remum novos transiluisse muros; inde ab irato Romulo, cum verbis quoque increpitans adiecerat 'sic deinde 3 quicumque alius transiliet moenia mea!' interfectum. ita solus potitus imperio Romulus; condita urbs conditoris nomine 10 appellata.

Palatum primum, in quo ipse erat educatus, muniit. sacra diis aliis Albano ritu, Graeco Herculi, ut ab Euandro instituta 4 erant, facit. Herculem in ea loca Geryone interempto boves mira specie abegisse memorant, ac prope Tiberim fluvium, qua 15 prae se armentum agens nando traiecerat, loco herbido, ut quiete et pabulo laeto reficeret boves, et ipsum fessum via 5 procubuisse. ibi cum eum cibo vinoque gravatum sopor oppressisset, pastor accola eius loci nomine Cacus, ferox viribus, captus pulchritudine boum cum avertere eam praedam vellet, 20 quia, si agendo armentum in speluncam compulisset, ipsa vestigia quaerentem dominum eo deductura erant, aversos boves,

3. consulataverat. With this pluperfect W. compares 'implaverat' in 29, 4, which is hardly parallel, and 'redierat . . . nominaverant' in 32, 1. 'Sustulerant' in 32, 3 is another parallel instance, and 'averterat' in 12, 10.

4. tempore illi praecerto. 'Tempore' must be taken with 'avium.' I do not find any exact parallel to this use of 'praecipere.' W. compares 'aliquantum temporis praeceperunt' in 30, 8, 9.

trahebant. Strangely used in the sense of 'drew to themselves' or 'claimed.'

5. certamine . . . vertuntur. Kühnast aptly compares 25, 29, 4 'Caede . . . venimus.'

6. ibi in turba ictus. 'Ibi' here is not 'there' but 'in these circumstances' or 'thereupon.' Cp. Virgil's  
'Ibi omnis effusus labor.'

12. muniit. This form for 'munivit' is contrary to the prose usage as laid down by Madvig, Lat. Gr. § 113. Obs. 1.

13. Albano ritu, Graeco. That is, 'Graeco ritu' or 'aperto' not 'velato

capit.' Cp. the curious passage Aen. 3. 402-7. On Hercules, Cacus, and Evander, see Hist. Ex. pp. 29-31.

15. abegisse memorant. 'Abigere' is used because the oxen were Geryon's. It is the word for 'cattle-lifting.'

17. pabulo laeto. 'Laetus' is the regular word for 'richness of vegetation.' 'Laetior' Hertz.

18. sopor oppressisset. Not merely 'sleep,' 'sommus,' but 'a heavy sleep.'

19. ferox viribus, 'confiding in his strength.'

21. in speluncam. What cave? If this account be compared with that of Virgil (Aen. 8. 185-261), it will be seen how clumsy Livy has rationalized the story. In Virgil, Cacus is a shepherd in order to avoid supernaturalism, and thus the cave ('Caci ingens regia') remains in his narrative altogether unexplained.

22. aversos boves. Madvig believes that Livy wrote 'aversas . . . eximiam quamque,' but does not alter the text.

eximum quemque pulchritudine, caudis in speluncam traxit. Hercules ad primam auroram somno excitus cum gregem & perlustrasset oculis et partem abesse numero sensisset, pergit ad proximam speluncam, si forte eo vestigia ferrent. quae ubi 5 omnia foras versa vidit nec in partem aliam ferre, confusus atque incertus animi ex loco infesto agere porro armentum occipit. inde cum actae boves quaedam ad desiderium, ut fit, 7 relictarum mugissent, reddita inclusarum ex spelunca boum vox Herculem convertit. quem cum ad speluncam vadentem Cacus vi 10 prohibere conatus esset, ictus clava fidem pastorum nequicquam invocans mortem occubuit.

Euander tum ea profugus ex Peloponneso auctoritate magis 8 quam imperio regebat loca, venerabilis vir miraculo litterarum, rei novae inter rudes artium homines, venerabilior divinitate 15 credita Carmentae matris, quam fatiloquam ante Sibyllae in Italiam adventum miratae eae gentes fuerant. is tum Euander, 9 concursu pastorum trepidantium circa advenam manifestae reum caedis excitus, postquam facinus facinorisque causam audivit habitum formamque viri aliquantum ampliorem augustioremque 20 humana intuens, rogitat, qui vir esset. ubi nomen patremque ac 10 patriam accepit, 'Iove nate, Hercules, salve' inquit. 'te mihi mater, veridica interpres deum, aucturum caelestium numerum cecinit, tibique aram hic dicatum iri, quam opulentissima olim in terris gens maximam vocet tuoque ritu colat.' dextra Hercules 11 25 data accipere se omen impleturumque fata ara condita ac dicata

i. caudis in speluncam. This seems taken from the theft of Hermes in the Homeric hymn. Hermes drives off fifty oxen,

ἴχνι ἀποτρέψας δολῆς δ' οὐ λήθετο τέχνης. Hymn 76.

2. ad primam auroram. A highly poetical phrase. Perhaps he means, 'waked by the first breeze of morning,' the resemblance between 'auram' and 'auroram' influencing his imagination. Cp. the opening of Paradise Lost, B. 5, and Tasso, Ger. Lib. 3. 1.

10. fidem pastorum. W. happily compares Hom. Od. 9. 399.

11. mortem occubuit. The MSS. have 'morte:' but cp. 2. 7, 8. The omission and insertion of *m* at the end of words is one of the characteristics of the archetype.

15. fatiloquam. Elsewhere this word

occurs only in Apuleius. The diction of the whole passage is remarkably poetical.

19. aliquantum ampliorem. For 'aliquanto.' This acc. is found in poets and later prose writers according to Madvig, Lat. Gr. § 270. Obs. 1. Cp. 'quantum' in 3. 15. 2.

augustioremque. This word occurs in a similar context in 5. 41, 8 and 8. 9, 10. It is a word of religion. See Ovid's verses, Fasti I. 609-612.

21. Hercules. So 41. 24, 15 'Calli- crates' in the vocative, but 39. 36, 14 'Alcibiade.'

22. interpres deum. 'One speaking for' or 'in the name of the gods.' It answers to προφήτης and ἴνοφήτης.

24. tuoque ritu colat. That is, 'a rite peculiar to you.'

25. impleturumque fata, etc. 'Fata'

12 ait. ibi tum primum bove eximia capta de grege sacrum  
 Herculi adhibitis ad ministerium dapemque Potitiis ac Pinariis,  
 quae tum familiae maxime inclitae ea loca incolebant, factum.  
 13 forte ita evenit, ut Potitii ad tempus praesto essent, iisque exta  
 apponenterunt, Pinarii extis ad ceteram venirent dapem. 5  
 inde institutum mansit, donec Pinarium genus fuit, ne extis  
 14 sollemnium vescerentur. Potitii ab Euandro edocti antistites  
 sacri eius per multas aetates fuerunt, donec tradito servis publicis  
 sollemni familiae ministerio genus omne Potitorum interit.  
 15 haec tum sacra Romulus una ex omnibus peregrina suscepit, 10  
 iam tum inmortalitatis virtute partae, ad quam eum sua fata  
 ducebant, fautor.

1 VIII. Rebus divinis rite perpetratis vocataque ad concilium  
 multitudine, quae coalescere in populi unius corpus nulla re  
 2 praeterquam legibus poterat, iura dedit; quae ita sancta generi 15  
 hominum agresti fore ratus, si se ipse venerabilem insignibus  
 imperii fecisset, cum cetero habitu se augustiorem, tum maxime  
 3 lictoribus duodecim sumptis fecit. alii ab numero avium, quae  
 augurio regnum portenderant, eum secutum numerum putant;  
 me haud paenitet eorum sententiae esse, quibus et apparitores 20

here is 'a prophecy.' We have 'fata Sibyllina' in Cic. Cat. 3. 4. The abl. abs. which follows is to be rendered 'by building and dedicating the altar.' Hercules said that as it had been prophesied an altar should be built, he would fulfil the prophecy by building one.

6. donec Pinarium. The name is connected with this prohibition to eat of the sacrifice. Hercules is said to have pronounced the sentence *ūneis δὲ πεινάσσετε*. Serv. ad Aen. 5. 269. Livy here seems to regard the race as extinct, but Diod. (4. 21) expressly declares that it still survived.

8. tradito servis. See the whole story in 9. 29.

With chaps. viii-xvi. cp. Hist. Ex. pp. 35-39.

15. ita sancta . . . si, 'only on condition that.'

16. se ipse. Cp. 49. 7.

18. alii ab numero. He uses 'alii' for 'some' as if another 'ali' were to follow, but afterwards changes the form of the expression, and writes 'eorum.'

19. eum secutum numerum, 'hit upon' or 'decided for that number'; but I find no similar use of 'sequor' elsewhere.

20. haud paenitet. Madvig says, 'in good prose "haud" is commonly not used with verbs (except in the expression "haud scio an") but only with adjectives and adverbs.' Livy, however, uses it not unfrequently with verbs. We have 'haud dubito' (Preface), 'haud ambigam' (c. 3) 'haud paenitet' and 'hand paeniteret' (c. 8), 'haud aspernatus' and 'haud displicet' (c. 23). The rule seems to be that 'haud' negatives a single word, not a whole proposition. In the above cases the negative is merely formal and readily disappears in translation. 'Haud dubito' is 'I am sure,' 'haud paenitet,' 'I am content,' 'haud aspernatus,' 'consenting,' 'haud displicet,' 'pleases well.' So 'haud scio an' is 'I suspect.' In c. 14 we have 'haud' with a noun, but the case is precisely similar, 'haud iniuria caesum,' i. e. 'deservedly slain.'

apparitores. This is the general name for the underlings of the 'magistratus.' There were four classes of them: 'lictores,' 'viatores,' 'praecones,' 'scribæ.' Horace belonged to the last class. See Sat. 2. 6, 36. 'The MSS. have 'apparitores et hoc genus . . . sumpta est, numerum quoque.' The 'et' after 'apparitores' was struck out

hoc genus ab Etruscis finitimus, unde sella curulis, unde toga praetexta sumpta est, et numerum quoque ipsum ductum placet; et ita habuisse Etruscos, quod ex duodecim populis communiter creato rege singulos singuli populi lictores dederint.

5 Crescebat interim urbs munitionibus alia atque alia ad- 4 petendo loca, cum in spem magis futurae multitudinis quam ad id, quod tum hominum erat, munirent. deinde ne vana 5 urbis magnitudo esset, adiciendae multitudinis causa vetere consilio condentium urbes, qui obscuram atque humilem con- 10 ciendo ad se multitudinem natam e terra sibi prolem ementiebantur, locum, qui nunc saeptus descendantibus inter duos lucos est, asylum aperit. eo ex finitimus populis turba 6 omnis sine discrimine, liber an servus esset, avida novarum rerum perfugit, idque primum ad coeptam magni- 15 tudinem roboris fuit. Cum iam virium haud paeniteret, con- 7 silium deinde viribus parat: centum creat senatores, sive quia is numerus satis erat, sive quia soli centum erant, qui creari

by James Gronovius, and 'et' inserted before 'numerum' by Hermann. These emendations are accepted by Madvig and others. On the use of 'hoc genus,' see Madvig, Lat. Gr. § 238. The 'quoque' after 'numerum' is inserted to show that the number is the special point here in question.

4. *communiter creato rege.* This seems to mean, 'when a king was created in common,' for this only happened occasionally in Etruria.

As to the derivation of all these things from Etruria, it is sufficient to say that the most recent critics see reason to reduce the Etruscan influence at Rome to a minimum. In their eagerness to find a special origin for everything, the ancients exaggerated casual resemblances; and it can be shown that many institutions which they derive from Etruria were common to all the Italians.

6. *in spem . . . ad id.* 'In' implies reference to an indefinite, 'ad' to a definite standard. Cp. 44, 12.

8. *adiciendae multitudinis.* So the MSS., but Madvig adopts an old emendation 'alliciendae.'

vetere consilio condentium urbes. Livy seems to be thinking of the legend of Cadmus and the dragon's teeth: Possibly he has also in view the myth in Plat. Rep. 3, 21 D *ἥσαν δὲ τότε τῷ δλητ*

*θείᾳ ὑπὸ γῆς ἐντὸς πλαττόμενοι τε καὶ τρέφομενοι.*

9. *conciendo.* See above, 5, 6.

11. *descendantibus inter duos lucos est.* This is an instance of Livy's way of slurring difficulties. He says that 'on descending' you find an enclosed space 'inter duos lucos.' On descending what? As we have been told that Romulus' city was on the Palatine, we naturally assume that this is the hill meant. Livy, however, does not say so; and as a matter of fact it was on the Capitoline. Not knowing how to explain this, he suppresses it. With the dative 'descendantibus' compare 'metentibus' 23, 22, 3, and 'fingenti' 26, 38, 10.

12. *turba omnis, 'a promiscuous crowd.'*

13. *liber an servus esset.* Dionysius (2, 15) says just the opposite, 'without distinction, provided only they were free.' One of the two must have mistaken the meaning of his authority.

15. *Cum iam . . . haud paeniteret,* 'when he began to be contented.' Observe the imperfect subj. preceding the historic present. So below, 'daret' 9, 6, and 'obicerentur' 14, 9. But the present subj. is found, as Kühnast remarks, in five passages of this book, viz. 'vertat' 28, 1, 'conveniant' 50, 1, 'destituat' 41, 2, 'dixerit' 54, 7, 'sit' 59, 7.

patres possent: patres certe ab honore, patriciique progenies eorum appellati.

1. IX. Iam res Romana adeo erat valida, ut cuilibet finitimarum civitatum bello par esset; sed penuria mulierum hominis aetatem duratura magnitudo erat, quippe quibus nec domi spes, 2. proliis nec cum finitimiis conubia essent. tum ex consilio patrum Romulus legatos circa vicinas gentes misit, qui societatem 3. conubiumque novo populo peterent: urbes quoque ut cetera ex infimo nasci; dein, quas sua virtus ac dii iuvent, magnas sibi 4. opes magnumque nomen facere; satis scire origini Romanae et 10. deos adfuisse et non defuturam virtutem; proinde ne gravarentur homines cum hominibus sanguinem ac genus miscere. 5. nusquam benigne legatio audita est: adeo simul spernebant, simul tantam in medio crescentem molem sibi ac posteris suis metuebant; a plerisque rogitantibus dimissi, ecquod feminis 15. quoque asylum aperuissent: id enim demum conpar conubium 6. fore. aegre id Romana pubes passa, et haud dubie ad vim spectare res coepit.

Cui tempus locumque aptum ut daret Romulus, aegritudinem 7. animi dissimulans ludos ex industria parat Neptuno Equestri 20. sollemnis; Consualia vocat. indici deinde finitimiis spectaculum

1. patres certe. See on the Patricians and Senate, p. 56.

4. hominis aetatem duratura, 'only one generation.' The omission of 'only' is not uncommon. See 10, 7. Cp. 3. 54, 4: 'differri donec,' 'is only postponed till,' etc., and 4. 20, 6 'ea rite opima spolia habentur,' 'those only are strictly considered,' etc. Cp. Virgil's 'Funere felici spolior' (Aen. 7. 599): 'What I am robbed of is only a happy death.'

8. urbes quoque. This passage is quoted in Quint. 9. 2, 37 as an instance of oratio obliqua.

11. proinde ne gravarentur. 'Proinde' introduces the conclusion finally drawn from a number of arguments. Cp. 39, 3, and Virg. Aen. II. 383 'Proinde tono eloquo.' In Greek, *πρὸς ταῦτα*.

15. a plerisque. MSS. have 'ac plerisque.' But Madvig aptly compares 24. 6, 4 'dimissique sunt ab querente per iocum Hieronymo.'

16. id enim demum, 'for nothing short of that.' Dr. Dyer misses the exact meaning when he gives, 'In that manner

they would find suitable wives' (Hist. p. 68).

21. Consualia vocat. The altar of 'Consus' was in the Circus Maximus, and the 'Consualia' were always accompanied with Circensian games. In representing the Sabine women as carried off at games and on the 'Consualia,' it seems evident that the legend originally supposed the rape to have taken place in the Circus. And this is expressly said by Virgil, Aen. 8. 639, and by Cicero, Rep. 2. 7, 12. Livy, however, does not allude to the Circus. The reason is, that in c. 35 he tells us that the Circus was the work of Tarquinius Priscus, and that in his time first boxers and racers were brought from Etruria. By comparing the two passages we gain an insight into his manner of concealing discrepancies. Ovid reconciles the two stories by supposing a rustic temporary theatre made by Romulus on what was afterwards the site of the Circus: the objection to which is, that this place was at that time a marsh.

Consualia are games in honour of Consus. But this deity was so much forgotten

iubet, quantoque apparatu tum sciebant aut poterant conce- 8  
lebrant, ut rem claram exspectatamque facerent. multi mortales  
convenere, studio etiam videndae novae urbis, maxume proximi 9  
quique, Caeninenses Crustumini Antemnates; iam Sabinorum  
5 omnis multitudo cum liberis ac coniugibus venit. invitati hos-  
pitaliter per domos cum situm moeniaque et frequentem tectis  
urbem vidissent, mirantur tam brevi rem Romanam crevisse. 10  
ubi spectaculi tempus venit, deditaeque eo mentes cum oculis  
erant, tum ex composito orta vis, signoque dato iuventus  
10 Romana ad rapiendas virgines discurrit. magna pars forte 11  
in quem quaeque inciderat, raptae; quasdam forma excellentes  
primoribus patrum destinatas ex plebe homines, quibus datum  
negotium erat, domos deferebant. unam longe ante alias insignem 12  
specie ac pulchritudine a globo Talassii cuiusdam raptam ferunt,  
15 multisque sciscitantibus, cuinam eam ferrent, identidem, ne quis  
violaret, Talassio ferri clamitatum: inde nuptialem hanc vocem  
factam. turbato per metum ludicro maesti parentes virginum 13  
profugiunt, incusantes violati hospitii foedus deumque invo-  
cantes, cuius ad sollemne ludosque per fas ac fidem decepti  
20 venissent. nec raptis aut spes de se melior aut indignatio est 14  
minor. sed ipse Romulus circumibat, docebatque patrum id  
superbia factum, qui conubium finitimus negassent. illas tamen  
in matrimonio, in societate fortunarum omnium civitatisque, et  
quo nihil carius humano generi sit, liberum fore. mollirent modo 15

that Livy does not even see the inconsistency of saying that games in honour of Neptune were called 'Consualia.' It is impossible to discover the least connection between *Consus* and *Neptunus*. But the Greeks connected their Poseidon with the horse, and honoured him with horse races; and in the Circus Flamininus there was an altar of *Neptunus*, as there was an altar of *Consus* in the Circus Maximus.

1. concelebrant, ut . . . facerent. Madvig conjectures 'concelebrat' and 'faceret,' which, perhaps, would be rather better, but he does not seem to prove that Livy must have written so.

4. iam Sabinorum. Madvig and Hertz read 'etiam' after Scheibius. 'Iam,' with the last term of an enumeration, occurs in Plaut. Capt. I. 2, 59 'opus turdetanis, opus est fidelulibus; iam maritimi omnes milites opus sunt mihi.' Fleckisen there reads 'tum.'

8. deditaeque eo mentes. On this

use of the pronominal adverb, see Nägelsbach, *Stilistik*, p. 233.

10. forte in quem. 'Forte' stands here for 'forte temere,' 'at haphazard.' We must supply 'ab eo' before 'in quem.'

16. nuptialem hanc vocem. See Catullus 61 and 62. The true meaning of the cry 'talassio' is obscure. For some guesses, see Preller, *Myth.* 584.

18. violati. See on 1, 12.

19. per fas ac fidem decepti. W. aptly compares Cic. de Iuv. I. 39, 71 and Pro Rosc. 38, 110.

23. fortunarum omnium, 'their whole property.'

24. humano generi, not 'to the human race,' but 'to human nature.' When Lucretius says of Epicurus, 'qui genus humanum ingenio superavit,' he means not merely that he was the first of men, but that he was superhuman. See on 18, 17.

iras, et quibus fors corpora dedisset, darent animos. saepe ex iniuria postmodum gratiam ortam, eoque melioribus usuras viris, quod adnisurus pro se quisque sit, ut, cum suam vicem functus officio sit, parentium etiam patriaeque expleat desiderium. 16 accedebant blanditiae virorum factum purgantium cupiditate 5 atque amore, quae maxime ad muliebre ingenium efficaces preces sunt.

1. X. Iam admodum mitigati animi raptis erant, at raptarum parentes tum maxime sordida veste lacrimisque et querellis civitates concitabant. nec domi tantum indignationes continebant, sed congregabantur undique ad Titum Tatium, regem Sabinorum, et legationes eo, quod maximum Tatii nomen in 2 iis regionibus erat, conveniebant. Caeninenses Crustuminius et Antemnates erant, ad quos eius iniuriae pars pertinebat. lente agere his Tatius Sabinus visi sunt; ipsi inter se tres 15 3 populi communiter bellum parant. ne Crustumini quidem atque Antemnates pro ardore iraque Caeninensium satis se in�igre movent: ita per se ipsum nomen Caeninum in agrum Romanum 4 impetum facit. sed effuse vastantibus fit obvius cum exercitu Romulus, levique certamine docet vanam sine viribus iram esse. 20 exercitum fundit fugatque, fusum persecutur; regem in proelio obruncat et spoliat; duce hostium occiso urbem primo impetu capit.

5. Inde exercitu victore reducto ipse, cum factis vir magnificus tum factorum ostentator haud minor, spolia ducis hostium caesi 25 suspensa fabricato ad id apte ferculo gerens in Capitolium

2. usuras viris, 'they would find their husbands better,' i. e. kinder: 'utor' with a person does not mean to treat, but to be treated by. For the omission of the subject to 'usuras' cp. 31, 16; 36, 9.

8. admodum mitigati, 'pretty completely appeased.'

10. nec domi tantum.. continebant. There is some tautology in this expression, but it occurs again in 39. 17, 4, as W. remarks.

11. Titum Tatium. On 'Tatius,' see Hist. Ex. p. 36.

12. legationes eo. 'Cp. 'deditaeque eo' 9, 10.

15. agere his. Madvig reads 'iis.'

18. nomen, tribe. Cp. 38, 4. Observe that the second name of a Roman, which is technically the 'nomen,' marks his 'gens' or clan.

21. fundit fugatque, fusum, etc. That is, 'routs and instantly pursues.' Cp. Virg. Aen. 6. 420 'Offam obicit, ille .. corripit obiectam,' i. e. 'instantly seizes.' Cp. 5. II.

regem in proelio. Propertius (5. 10, 7) calls this king Acron.

22. primo impetu. See below, 11. 2.

26. in Capitolium escendit. Dionysius (2. 34) expressly says that Romulus on this occasion introduced the institution of the Triumph. This is evidently the point of the story, yet Livy does not use the word. It perhaps occurred to him that both the Capitoline temple and the triumphal dress were said to have been introduced in the time of Tarquin. It is of Tarquin that he first ventures to say, 'triumphans reedit' 38, 3.

escendit, ibique ea cum ad quercum pastoribus sacram deposuisset, simul cum dono designavit templo Iovis finis, cognomenque addidit deo. 'Iuppiter Feretri' inquit, 'haec tibi e victor Romulus rex regia arma fero, templumque his regionibus, quas modo animo metatus sum, dedico sedem opimis spoliis, quae regibus ducibusque hostium caesis me auctorem sequentes posteri ferent.' haec templi est origo, quod primum 7 omnium Romae sacratum est. ita deinde diis visum, nec inritam conditoris templi vocem esse, qua laturos eo spolia posteros 10 nuncupavit, nec multitudine conpotum eius doni vulgari laudem. bina postea inter tot annos, tot bella opima parta sunt spolia: adeo rara eius fortuna decoris fuit.

XI. Dum ea ibi Romani gerunt, Antemnatum exercitus per 1 occasionem ac solitudinem hostiliter in fines Romanos incur- 15 sionem facit. raptim et ad hos Romana legio ducta palatos in agris oppressit. fusi igitur primo impetu et clamore hostes, 2 oppidum captum; duplique victoria ovantem Romulum Hersilia coniunx precibus raptarum fatigata orat, ut parentibus earum det veniam et in civitatem accipiat: ita rem coalescere 20 concordia posse. facile impetratum. Inde contra Crustuminos 3 profectus bellum inferentes. ibi minus etiam, quod alienis cladibus ceciderant animi, certaminis fuit. utroque coloniae 4 missae: plures inventi, qui propter ubertatem terrae in Crustumino nomina darent. et Romam inde frequenter migratum 25 est, a parentibus maxime ac propinquis raptarum.

1. quercum pastoribus sacram. On the peculiar veneration of the ancient Italians for trees, see Preller, *Myth.* 95. He refers to Virg. *G.* 3, 332, *Tib.* 1, 1, 11, *Ov. Am.* 3, 1, 1, and the striking passage of Seneca, *Ep.* 41.

5. dedico sedem. 'Dedico' here = 'destino:' the technical 'dedicatio' would come later.

7. templi est origo. It was a small round temple, one of those restored by Augustus.

11. bina postea. 'Two and no more.' See above, on 9, 4. The distributive is used because 'spolia' has no singular. See Madvig, *Lat. Gr.* § 76. Obs. c. The cases are Cossus (4, 20) and Marcellus (*Epit.* 20).

15. ad hos Romana. See above on 5, 22.

legio. Here simply 'army.' This seems

the original meaning of the word. Cp. Virg. *Aen.* 7, 68. Horace's 'Olim qui magnis legionibus imperitabant,' is to be explained in the same way.

16. primo impetu et clamore. Livy seems to be thinking of the Greek *abroβοει*.

17. ovantem Romulum. That is, simply 'exulting,' it has nothing here to do with the technical 'ovatio.' Cp. 25, 13. Hersilia coniunx. On 'Hersilia,' see *Hist. Ex.* p. 38, and *cp. Ov. Met.* 14, 829, 851.

23. propter ubertatem terrae. The special fertility of the Crustumine is mentioned by Cicero, *pro Fl.* 29, 71.

25. ac propinquis raptarum. This statement may perhaps rest in some way on the fact that one of the thirty curiae had the name 'Rapta.' See below on 13, 17.

5 Novissimum ab Sabinis bellum ortum, multoque id maximum fuit: nihil enim per iram aut cupiditatem actum est, 6 nec ostenderunt bellum prius quam intulerunt. consilio etiam additus dolus. Spurius Tarpeius Romanae praeerat arcii. huius filiam virginem auro corrumpit Tatius, ut armatos in arcem 5 accipiat— aquam forte ea tum sacris extra moenia petitum 7 ierat—; accepti obrutam armis necavere, seu ut vi capta potius arx videretur, seu prodendi exempli causa, ne quid usquam 8 fidum proditori esset. additur fabula, quod vulgo Sabini aureas armillas magni ponderis brachio laevo gemmatosque magna 10 specie anulos habuerint, pepigisse eam quod in sinistris manibus 9 haberent; eo scuta illi pro aureis donis congesta, sunt qui eam ex pacto tradendi quod in sinistris manibus esset derecto arma petisse dicant, et fraude visam agere sua ipsam peremptam mercede.

15  
1 XII. Tenuere tamen arcem Sabini, atque inde postero die, cum Romanus exercitus instructus quod inter Palatinum Capitolinumque collem campi est complesset, non prius descenderunt in aequum, quam ira et cupiditate recuperandae arcis stimulante 2 animos in adversum Romani subiere. principes utrimque pugnam 20 ciebant ab Sabinis Mettius Curtius, ab Romanis Hostius Hostilius. hic rem Romanam iniquo loco ad prima signa animo 3 atque audacia sustinebat. ut Hostius cecidit, confestim Romana inclinatur acies, fusaque est ad veterem portam Palatii. Romulus

2. per iram, 'in a passionate way.'

4. Tarpeius. Livy does not mention here that this was the old name of the Capitoline. He mentions it below, 55, 1.

7. obrutam armis necavere, 'killed her by overwhelming her with shields.' Cp. 'ara condita' at 7, 25. On 'armis,' see below on 25, 14.

9. additur fabula. 'Fabulae' MSS. The correction is adopted by Madvig from Glareanus. Cp. 5, 21, 8 and 5, 34, 6. Fabula is a 'tale,' not necessarily false, but uncertified.

aureas armillas. Yet the Sabines are always represented as poor and frugal! It is curious to find that another account made Tarpeia betray the citadel to *the Gauls*, who, we know, delighted in gold ornaments. This account, given by a certain poet Simylus, though Plutarch (Rom. 17) says of him *παντάραστι λαρπεῖ*, is much truer in costume than the other.

12. sunt qui eam, etc. Dionysius (2, 38) is more explicit. He says the first story is given by Fabius and Ciucius, the second by Piso.

13. arma. See below, 25, 14.

14. fraude visam agere. That is, 'suspected of intending to betray them to Romulus.'

16. Tenuere tamen. 'Tamen' is 'however this may be.'

20. principes, 'advancing before the rest.' Cp. 26, 2 'princeps Horatius ibat.'

24. fusaque est ad veterem. Madvig puts the full stop at 'est,' denying that 'ad' can here mean 'to.' That the gate is the place not where the fight began, but where it stopped, is evident from the context and from Dionysius 2, 42. But W. seems to disprove Madvig's denial by reference to 2, 49, 12 'fusi retro ad saxa rubra.' This difficulty being removed, the ordinary stopping seems preferable. 'Inclinatur acies

et ipse turba fugientium actus arma ad caelum tollens 'Iuppiter, 4 tuis' inquit 'iussus avibus hic in Palatio prima urbi fundamenta ieci. arcem iam scelere emptam Sabini habent; inde huc armati superata media valle tendunt. at tu, pater deum homi- 5 5 numque, hinc saltem arce hostes, deme terrorem Romanis fugamque foedam siste. hic ego tibi templum Statori Iovi, 6 quod monumento sit posteris tua praeSENTI ope servatam urbem esse, voeo.' haec precatus, velut si sensisset auditas preces, 7 'hinc' inquit, 'Romani, Iuppiter optimus maximus resistere 10 atque iterare pugnam iubet.' restitere Romani tanquam caelesti voce iussi: ipse ad primores Romulus provolat. Mettius Curtius 8 ab Sabinis princeps ab arce decucurrerat, et effusos egerat Romanos toto quantum foro spatiuum est, nec procul iam a porta Palatii erat, clamitans 'vicimus perfidos hospites, inbelles 9 15 hostes. iam sciunt longe aliud esse virgines rapere, aliud pugnare cum viris.' in eum haec gloriantem cum globo ferocissimorum iuvenum Romulus impetum facit. ex equo tum forte Mettius pugnabat; eo pelli facilius fuit. pulsum Romani persecuntur, et alia Romana acies audacia regis accensa fundit Sabinos. 20 Mettius in paludem sese strepitu sequentium trepidante equo 10 coniecit; averteratque ea res etiam Sabinos tanti periculo viri. et ille quidem adnuentibus ac vocantibus suis favore multorum addito animo evadit: Romani Sabinique in media convalle duorum montium redintegrant proelium; sed res Romana erat 25 superior.

XIII. Tum Sabinae mulieres, quarum ex iniuria bellum 1 ortum erat, crinibus passis scissaque veste victo malis muliebri pavore ausae se inter tela volantia inferre, ex transverso impetu

fusaque est' is tautological, and there seems no reason for the change of tense. This 'vetus porta Palatii' is the 'Porta Mugionis,' as appears from the corresponding passage in Dionysius, 2. 50.

1. *actus*. A present participle, 'in the act of being hurried along.' See on 34, 19.

6. *templum Statori Iovi*. See on 3, 13. But that the temple remained unbuilt till 294 B.C. we learn from 10. 37, 16. Cp. Hist. Ex. p. 38.

7. *praeSENTI*. A word commonly used of divine assistance, e.g.

'Templorum quoque maiestas praeSENTIOR,

Juv. II. III.

16. *ferocissimorum iuvenum*, 'valiant troops.' See on 31. 2.

19. *alia*. *The rest of the Roman army*: 'frequentissimo apud Livium vocis alius usu' as Madvig says, Em. Liv. p. 66. Cp. 'Iovem deosque alios,' 26. 8, 5.

21. *avteratque ea res*. See on 7. 1. I think the pluperfect should here be translated, 'diverted for a moment.'

22. et ille quidem... sed res Romana. That is, 'And though he escaped, and the battle was afterwards renewed, yet the Romans were getting the better.'

2 facto dirimere infestas acies, dirimere iras, hinc patres hinc viros  
 orantes, ne sanguine se nefando socii generique respergerent,  
 ne parricidio macularent partus suos, nepotum illi, hi liberum  
 3 progeniem. 'si adfinitatis inter vos, si conubii piget, in nos vertite  
 iras. nos causa belli, nos vulnerum ac caedium viris ac paren- 5  
 tibus sumus. melius peribimus quam sine alteris vestrum viduae  
 aut orbae vivemus.' movet res cum multitudinem tum duces.  
 4 silentium et repentina fit quies; inde ad foedus faciendum  
 duces prodeunt, nec pacem modo sed civitatem unam ex duabus  
 faciunt, regnum consociant, imperium omne conferunt Romam. 10  
 5 ita geminata urbe, ut Sabinis tamen aliquid daretur, Quirites  
 a Curibus appellati. monumentum eius pugnae, ubi primum ex  
 profunda emersus palude equum Curtius in vado statuit, Cur-  
 tium lacum appellarunt.  
 6 Ex bello tam tristi laeta repente pax cariores Sabinas viris 15  
 ac parentibus et ante omnes Romulo ipsi fecit. itaque, cum  
 'populum in curias triginta divideret, nomina earum curiis  
 7 inpositi. id non traditur, cum haud dubie aliquanto numerus  
 maior hoc mulierum fuerit, aetate an dignitatibus suis viro-  
 8 rumve an sorte lectae sint, quae nomina curiis darent. Eodem 20  
 tempore et centuriae tres equitum conscriptae sunt: Ramnenses

3. ne parricidio macularent. 'Par-  
 ricideum' is used generally for the murder  
 of a relation.

6. sine alteris vestrum, 'without  
 one or the other of you.' So we sometimes  
 find 'consules alter ambove,' 'the consuls  
 either or both.'

8. silentium et repentina fit quies.  
 'Silentium' is commonly 'the silence of  
 attention.' 'There is, perhaps, therefore, a  
 slight difference here between 'silentium'  
 and 'quies.' 'They paused to listen, and  
 when the women had done the pause con-  
 tinued.'

13. equum Curtius. Madvig and  
 Alschefski read 'equos Curtium:' P. has  
 'equos Curtius.'

Curtium lacum. Livy gives the other  
 more famous story in 7. 6, and declines to  
 decide between them. But we see how  
 fictitious history grows. Though the his-  
 torian may select one of the stories as the  
 true explanation, he relates both as histori-  
 cal facts, and thus the single 'lacus Curtius'  
 furnishes two distinct incidents to Roman  
 history. Observe that the 'monumentum'  
 is not the lake, but the name that was

given to it.

17. in curias triginta. Of these  
 'curiae,' the names 'Foriensis,' 'Rapta,'  
 'Veliensis,' 'Velitia,' 'Titia,' 'Faucia,'  
 perhaps also 'Acculeia,' are preserved. Plu-  
 tarch (Rom. 20) says they could not be  
 derived from the Sabine women because  
 many of them are local names. Varro also  
 rejected the story (Dionys. 2. 47). What  
 gave rise to it? First, probably, the  
 convenience of a list of ancient feminine  
 proper names ready to hand; secondly, the  
 occurrence among them of *Rapta*. It is  
 probable that the feminine terminations  
 would have an effect upon the imagination  
 of a Roman. Cp. the curious passage of  
 Herodotus (4. 45), where he speculates on  
 the origin of the names 'Europa,' 'Asia,'  
 'Libya,' assuming them throughout to be  
 the names of women.

18. id non traditur. We should  
 rather expect 'illud.'

21. centuriae tres. It seems prob-  
 able that 'centuria' originally = 'centum-  
 viria,' but it was afterwards used in the  
 measurement of land. The application of  
 it to time seems unknown to the ancients.

ab Romulo, ab T. Tatio Titienses appellati; Lucerum nominis et originis causa incerta est. inde non modo commune sed concors etiam regnum duobus regibus fuit.

XIV. Post aliquot annos propinquai regis Tatii legatos Lau- 1  
5 rentium pulsant, cumque Laurentes iure gentium agerent, apud Tatium gratia suorum et preces plus poterant. igitur illorum 2  
poenam in se vertit: nam Lavini, cum ad sollemne sacrificium eo venisset, concursu facto interficuntur. eam rem minus aegre 3  
quam dignum erat tulisse Romulum ferunt, seu ob infidam 10  
societatem regni, seu quia haud iniuria caesum credebat. itaque bello quidem abstinuit: ut tamen expiarentur legatorum iniuriae regisque caedes, foedus inter Romam Laviniumque urbes re- 15  
novatum est.

Et cum his quidem insperata pax erat: aliud multo propius 4  
15 atque in ipsis prope portis bellum ortum. Fidenates nimis vicinas prope se convalescere opes rati, priusquam tantum roboris esset, quantum futurum apparebat, occupant bellum facere. iuventute armata immissa vastatur agri quod inter urbem ac Fidenas est. inde ad laevam versi, quia dextra 5  
20 Tiberis arecebat, cum magna trepidatione agrestium populantur; tumultusque repens ex agris in urbem inlatus pro nuntio fuit. excitus Romulus—neque enim dilationem pati tam vicinum 6  
bellum poterat—exercitum educit, castra a Fidenis mille pas- suum locat. ibi modico praesidio relicto egressus omnibus copiis 7

2. causa incerta est. What Livy says of the Luceres we may now say of the other two tribes. This threefold division is the ultimate fact of Roman history, and no explanation of the names of the tribes has been given that has any probability.

4. legatos Laurentium. 'Laurentes' is the name given to the inhabitants of a district, not of a town; the town is Lavinium.

5. pulsant. Plut. (Rom. 23) says δρελλον, 'killed.'

6. igitur illorum. 'Igitur' here stands for 'itaque,' 'the result was that.' In this sense some writers put it at the beginning of a sentence. Cp. 26. 5. 2 'vicit tamen respectus Capuae . . . igitur . . . in Campaniam contendit.'

7. ad sollemne sacrificium. The Romans always performed an annual sacrifice to the Penates at Lavinium. Cp. 5. 52, 8, Lucan 7. 394, Serv. ad Aen. 2. 296;

3. 12; 8. 664. A. W. Zumpt (de Lavinio) has collected all we know on the subject.

9. seu ob infidam societatem. A condensed expression of a general maxim—'whether from the insincerity that belongs to all partnerships in royalty.' Lucan has 'Nulla fides regni sociis.' Livy probably had in view the words of Ennius quoted by Cic. de Rep. I. 32. 49 'Nulla sancta societas nec fides regni est.'

10. haud iniuria. See above on 8. 12. Plutarch says he acquitted them φήσαντα φόνον φόνῳ λελύσθαι. Mommsen (Röm. Gesch. I. 149) sees in this account a myth of the abolition of private vengeance for homicide.

17. futurum apparebat. Not, 'appeared likely to arise,' but, 'was manifestly about to arise.'

partem militum locis circa densa obsita virgulta obscuris  
subsidere in insidiis iussit; cum parte maiore atque omni  
equitatu profectus, id quod quaerebat, tumultuoso et minaci  
genere pugnae adequitando ipsis prope portis hostem excivit.  
fugae quoque, quae simulanda erat, eadem equestris pugna 5  
8 causam minus mirabilem dedit. et cum velut inter pugnae  
fugaeque consilium trepidante equitatu pedes quoque referret  
gradum, plenis repente portis effusi hostes inpulsa Romana  
acie studio instandi sequendique trahuntur ad locum insidiarum.  
9 inde subito exorti Romani transversam invadunt hostium aciem; 10  
addunt pavorem mota e castris signa eorum, qui in praesidio  
relicti fuerant: ita multiplici terrore perculti Fidenates prius  
paene quam Romulus quique cum eo visi erant circumagerent  
10 frenis equos, terga vertunt multoque effusius, quippe vera  
fuga, qui simulantes paulo ante secuti erant, oppidum re- 15  
11 petebant. non tamen eripuere se hosti: haerens in tergo

1. circa densa obsita virgulta.  
This is the reading of the MSS., and  
Madvig defends it. He considers 'circa  
virgulta' to mean 'here and there about  
the brushwood,' comparing 'circa Campaniā' = 'here and there about Campania'  
(9, 25, 2) and 'circa vias' (25, 9, 2). He  
admits that it is less correct to say 'obsita  
virgulta' than 'locus obsitus virgultis,' and  
that he cannot produce an exact parallel,  
but he considers 'conserere arborem' in  
10. 24, 5 analogous. This is hardly satis-  
factory, but it is better than Hertz' correc-  
tion, 'locis circa densis obsitis virgultis-  
obscuris,' etc.; nor does W. carry any con-  
viction with his 'densa inter virgulta.' Both  
these corrections require 'obscuris' to  
be taken with 'insidiis,' which is not end-  
urable. Other corrections are 'denso obsitus  
virgulio obscuram' (Gronovius), or to omit  
'obsita.'

3. id quod quaerebat. This must  
evidently refer to 'hostem excivit,' though  
it is strangely placed.

8. impulsa Romana acie, 'breaking  
the Roman line.' 'Impellere' is often used  
of the shock which begins the dissolution  
or destruction of anything. So Virg. Aen.

4. 22 'animumque labantem impulit,'  
'has given my purpose a shock that makes  
it waver,' and Ovid has  
'Quae simul impulsa est, omnes timuere  
ruinam.'

13. quique cum eo visi erant.  
There is great difficulty here about the  
reading. We have the following MSS.  
readings:—

- M. 'quique cum eo quique cum  
equis abierant visi erant'
- L. 1. 'quique cum equis abierant  
visi erant'
- F. 'quique cum eo quique cum  
equites erant visi erant'
- P. B. 'quique cum eo equis ierant'
- E. 'quique cum eo visi erant.'

Now, this last reading only differs by one  
letter (*q* for *o*) from 'quique cum equis  
ierant.' To make sense of this last reading  
it would be necessary to alter 'ierant' into  
'abierant,' and by a mixing of the two  
readings, what is found in M, L 1, and F  
may be explained. The reading of E,  
therefore, explains all the others, and Mad-  
vig accordingly adopts it. Nevertheless, it  
does not give a very satisfactory sense.  
Madvig defends the use of 'visi' by 4. 40,  
2; 7. 23, 6, but in both these passages  
'procul' is added. Besides, it was only  
some of those that were with Romulus,  
viz. the cavalry, that could turn their  
horses. The best sense is given either by  
'quique cum eo equites erant' or 'quique  
cum eo fugere visi erant,' which is Koch's  
conjecture.

Romanus priusquam fore portarum obicerentur velut agmine uno inrupit.

XV. Belli Fidenatis contagione inritati Veientium animi et 1 consanguinitate—nam Fidenates quoque Etrusci fuerunt—, et 5 quod ipsa propinquitas loci, si Romana arma omnibus infesta finitimis essent, stimulabat. in fines Romanos excucurserunt populabundi magis quam iusti more belli. itaque non castris 2 positis, non expectato hostium exercitu raptam ex agris praedam portantes Veios rediere. Romanus contra, postquam hostem in 10 agris non invenit, dimicationi ultimae instructus intentusque Tiberim transit. quem postquam castra ponere et ad urbem 3 accessurum Veientes audire, obviam egressi, ut potius acie decernerent, quam inclusi de tectis moenibusque dimicarent. ibi viribus nulla arte adiutis tantum veterani robore exercitus 4 15 rex Romanus vicit, persecutusque fusos ad moenia hostes urbe valida muris ac situ ipso munita abstinuit; agros rediens vastat ulciscendi magis quam praedae studio. eaque clade haud minus 5 quam adversa pugna subacti Veientes pacem petitum oratores Romam mittunt. agri parte multatis in centum annos indutiae 20 datae.

Haec ferme Romulo regnante domi militiaeque gesta, quorum 6 nihil absonum fidei divinae originis divinitatisque post mortem creditae fuit, non animus in regno avito recuperando, non condendae urbis consilium, non bello ac pace firmandae. ab 7 25 illo enim profecto viribus datis tantum valuit, ut in quadraginta deinde annos tutam pacem haberet. multitudini tamen gratior 8

2. inrupit. Plutarch (Rom. 23. 12) adds, that Romulus sent to Fidenae a colony of 1500 citizens on the Ides of April. See below, 27, 3.

6. stimulabat. The old editions and W. put a comma after this, making 'Veientes' (understood in 'Veientium animi') the subject to 'excucurserunt.' The full stop is Kreyssig's correction, adopted by Madvig.

7. iusti more belli. Not, 'a just war,' but, 'a war strictly so called,' i. e. a regular war.

14. veterani robore exercitus. A phrase more applicable to the standing armies of Livy's own time than to the ancient militia.

18. aduersa pugna. The regular Latin expression for 'a defeat.' oratores. See 38. 2 and 2. 32, 8, and Virg. Aen. 7. 153.

19. agri parte multatis. Dionysius (2. 54) and Plutarch (Rom. 25. 8) say this land was the 'septem pagi' on the right bank of the Tiber and the 'salinae' near the mouth. In short, this war is introduced to account for the fact that the Romans had, at a very early time, possessions beyond the Tiber. But another legend gave this conquest to Ancus. Livy adopts this (33. 8), and is therefore obliged to avoid specifying the lands ceded here to Romulus.

indutiae datae. See 30. 8.

fuit quam patribus, longe ante alios acceptissimus militum animis: trecentosque armatos ad custodiam corporis, quos Celeres appellavit, non in bello solum sed etiam in pace habuit.

1. XVI. His immortalibus editis operibus cum ad exercitum recensendum contionem in campo ad Caprae paludem haberet, 5 subito coorta tempestas cum magno fragore tonitribusque tam denso regem operuit nimbo, ut conspectum eius contioni 2 abstulerit. nec deinde in terris Romulus fuit. Romana pubes sedato tandem pavore, postquam ex tam turbido die serena et tranquilla lux rediit, ubi vacuam sedem regiam vidiit, etsi 10 satis credebat patribus, qui proxumi steterant, sublimem raptum procella, tamen velut orbitatis metu icta maestum aliquamdiu 3 silentium obtinuit. deinde a paucis initio facto deum deo natum, regem parentemque urbis Romanae salvere universi Romulum iubent; pacem precibus exposunt, uti volens propitius suam 15 4 semper sospitet progeniem. fuisse credo tum quoque aliquos, qui discriptum regem patrum manibus taciti arguerent— manavit enim haec quoque sed perobscura fama—; illam

1. quam patribus. This is clearly inserted to prepare the reader for the rationalistic explanation which follows of Romulus' translation.

militum animis. Here again Livy seems to have before him the conception of a standing army.

2. Celeres. In representing these as a body-guard, the historians seem to wish to assimilate Romulus to a Greek *τύραννος* surrounded by *δορυφόροι*. The name 'Celeres' is evidently very ancient, as well as the office of 'Tribunus Celerum.' We can only conjecture that it may have been an old name for the cavalry, and that the 300 here mentioned are identical with the 'centuriae tres equitum' mentioned in 13. 8. Possibly Mommsen is right in supposing that originally there were three 'tribuni Celerum,' who were superseded by the 'seviri equitum' when the number of centuries was doubled.

4. immortalibus. Crevier conjectured 'mortalibus,' but it seems natural that the account of Romulus' translation should be preceded by words implying that his deeds had entitled him to immortality. Cp. 'immortalitas virtute partae' 7, 15.

7. regem operuit nimbo. Cicero (de Rep. I. 16) tells us that the sun was eclipsed, and that it happened on the Nones

of July. Now, on the Nones of July there was a feast of 'Iuno Caprotina,' which reminds us of 'Caprae paludem' just mentioned. Two days before the Nones was the festival called the 'Poplifugia,' or 'Peoples' flight.' This, like the 'Regifugium,' seems to have been a sin-offering, which was offered with terror and instant flight of all concerned. These usages became gradually unintelligible. The 'Regifugium' was referred, without any plausibility, to the flight of Tarquin. The 'Poplifugia' also demanded an explanation. Like the 'Regifugium,' it was offered by the 'Rex Sacrificulus,' which suggested a king. The translation of Romulus at the 'Caprae palus' in a moment of miraculous darkness, causing a panic among the people, was an explanation which satisfied all the conditions—a king—an eclipse (perhaps registered by the pontiffs)—a flight of the people—a feast of 'Iuno Caprotina.' But quite different explanations were also in circulation of these usages. See Preller, Myth. 255.

9. ex tam turbido die. Cp. Virg. G. I. 393

'Ex imbrī soles et aperta serena.'

14. regem parentemque. This passage is modelled on the lines of Ennius quoted in Cic. Rep. I. 41.

alteram admiratio viri et pavor praeiens nobilitavit. Et consilio 5 etiam unius hominis addita rei dicitur fides. namque Proculus Iulius, sollicita civitate desiderio regis et infensa patribus, gravis, ut traditur, quamvis magna rei auctor in contionem 6 prodit. 'Romulus,' inquit, 'Quirites, parens urbis huius, prima hodierna luce caelo repente delapsus se mihi obvium dedit. cum perfusus horrore venerabundus adstitissem, petens precibus, 7 ut contra intueri fas esset: 'abi, nuntia,' inquit, 'Romanis, caelestes ita velle,' ut mea Roma caput orbis terrarum sit: 10 proinde rem militarem colant, sciantque et ita posteris tradant nullas opes humanas armis Romanis resistere posse.' 'haec,' inquit, 'locutus sublimis abiit.' mirum quantum illi viro nuntianti haec fidei fuerit, quamque desiderium Romuli apud plenam exercitumque facta fide immortalitatis lenitum sit.

15 XVII. Patrum interim animos certamen regni ac cupido 1 versabat. necdum ad singulos, quia nemo magnopere eminebat in novo populo, pervenerat; factionibus inter ordines certabatur. oriundi ab Sabinis, ne, quia post Tati mortem ab sua parte 2 non erat regnatum, in societate aequa possessionem imperii

2. unius hominis. An individual, in contrast to the crowd just mentioned.

Proculus Iulius. See on 30, 24.

7. perfusus horrore. Cp. Cic. Att. 8. 6 'Di immortales! qui me horror perfudit.' But in the present passage note that 'horror' stands for 'awe,' as in Lucr. 3. 28.

adstitissem, 'stood rapt.' Cp. 'arrectis auribus asto' Virg. Aen. 2. 303.

11. posse. Plutarch adds, ἔγω δ' ὑμῶν εἴησεν οὐρανοῖς δαίμονας Κυρίους. So, too, Dionysius. Livy omits this, though it is the point of the story, and though he has himself significantly used the word 'Quirites' just above. Cp. Hist. Ex. p. 38. He has already (13. 5) adopted the theory that the name Quirites was derived from Cures.

13. fidei. So Madvig, following E. The other MSS. have 'fides.'

With chaps. xvii-xxi. cp. Hist. Ex. pp. 39-41.

16. ad singulos. So Madvig and Hertz after Graevius. The MSS. have 'a singulis,' but 'pervenerat' requires the terminus ad quem. W., instead of this correction, alters 'pervenerat; factionibus' into 'per vim aut factionibus.' But the question is not by what

means the contest was carried on. The general sense is, there was a dissension, but the subject of it was not whether A or B should be king, but whether a Roman or a Sabine. This use of 'singuli' is rather uncommon. It generally means 'each individual out of a number'; here 'some individuals.' Cp. Cic. de Or. 3. 55, 211 'frequentes an pauci an singuli.'

18. ab Sabinis. Remark that Livy speaks here of Sabine senators. He has not before told us that the Sabines had been admitted into the senate. The common story was that the senate was doubled in number by the admission of 100 Sabines, and that afterwards it was raised to 300 by Tarquinus Priscus. Now, that Livy believed this is plain from c. 35, in which he tells us that Tarquin added 100 members, and from 2. 1, in which we read that the senate, which had dwindled, was restored to its full complement of 300. Why then does Livy omit to mention the addition of the hundred Sabines? In order to conceal the inconsistency of that view with the account here given of the 'interregnum' in which the senate is represented as consisting, at the death of Romulus, of only a hundred members.

amitterent, sui corporis creari regem volebant; Romani veteres  
 3 peregrinum regem aspernabantur. in variis voluntatibus regnari  
 tamen omnes volebant libertatis dulcedine nondum experta.  
 4 timor deinde patres incessit, ne civitatem sine imperio, exer-  
 citum sine duce, multarum circa civitatum inritatis animis 5  
 vis aliqua externa adoriretur. et esse igitur aliquod caput  
 5 placebat, et nemo alteri concedere in animum inducebat. ita  
 rem inter se centum patres decem decuriis factis singulisque in  
 singulas decurias creatis, qui summae rerum praeessent, con-  
 sociant. decem imperitabant, unus cum insignibus imperii et 10  
 6 lictoribus erat; quinque dierum spatio finiebatur imperium ac  
 per omnes in orbem ibat; annuumque intervallum regni fuit.  
 id ab re, quod nunc quoque tenet nomen, interregnum appell-  
 7 latum. fremere deinde plebs, multiplicatam servitutem, centum  
 pro uno dominos factos; nec ultra nisi regem et ab ipsis 15  
 8 creatum videbantur passuri. cum sensissent ea moveri patres,  
 offerendum ultro rati quod amissuri erant, ita gratiam ineunt  
 summa potestate populo perissa, ut non plus darent iuris

1. volebant...aspernabantur. It is somewhat difficult to render the delicacy of these imperfects. Translate, 'It was the wish of the Sabine families... while the Romans could ill brook a foreign king.' 'Aspernari' expresses 'rejection,' not necessarily 'contempt.'

2. in variis voluntatibus. 'In' is often used by Livy to mark a general characteristic of the situation. So 2, 34, 5, 'in tam artis commeatibus.'

voluntatibus means 'political views.' For this use of the word and the verb 'velle,' cp. Cic. pro Sext. 45-47.

regnari tamen omnes, 'all were for monarchy,' not, 'all wanted to be ruled by a king.' In Livy's time 'regno' is only transitive in poetry, as in Horace, who, after his fashion, follows the Greek construction, 'Daunus agrestium Regnavit populorum' Od. 3. 30, 11.

3. experta, used passively; also below, 34, 12.

5. circa civitatum, 'surrounding states.' Cp. 'circa populorum' in 59, 9.

7. inducebat. 'Could make up his mind.'

ita rem inter, etc. A description of an institution which had existed in Livy's own time. Up to the second Punic war the 'interregnum' is frequent. Cp. 3, 40;

4, 7, 43; 5, 31; 6, 41; 9, 7; 10, 11; 22, 33, 34. Though from this time to that of Sulla we do not read of the appointment of an 'interrex,' yet the office was not forgotten. See 41, 9, 11. In the last age of the republic there occurred several 'interregna.' It always continued to be a patrician office.

12. ibat...fuit. Note the change of tense. The imperfects denote the uniform practice during an 'interregnum,' the perfect the length of the particular 'interregnum' in question.

18. populo perissa. Remark Livy's entire ignorance of the distinction which Niebuhr tried to establish between 'populus' and 'plebs.' Mommsen seems very dogmatic when he declares (Röm. Forsch. p. 168. n. 1.) that the original meaning of *populus* is determined beyond question by usage to be 'army.' Only in the very doubtful case of the dictator's title 'magister populi' (his subaltern being 'magister equitum') does *populus* mean 'army.' He suggests that 'populari' means to quarter an army on a country, and answers to 'verheeren.' This is only a guess, but, even granting that in these two cases '*populus*' means army, at a time when every citizen was a soldier, the army might as well be called from the people as the people from the army. In usage, '*populus*' is almost exactly

quam detinerent. decreverunt enim, ut, cum populus regem iussisset, id sic ratum esset, si patres auctores fierent. hodie quoque in legibus magistratibusque rogandis usurpatur idem ius vi adempta: priusquam populus suffragium ineat, in 5 certum comitiorum eventum patres auctores fiunt. tum interrex 10 contione advocata 'quod bonum faustum felixque sit,' inquit, 'Quirites, regem create: ita patribus visum est. patres deinde, si dignum qui secundus ab Romulo numeretur crearitis, auctores fient' adeo id gratum plebi fuit, ut, ne victi beneficio vide- 11 10 rentur, id modo sciscerent iuberentque, ut senatus decerneret qui Romae regnaret.

XVIII. Inclita iustitia religioque ea tempestate Numae 1 Pompili erat. Curibus Sabinis habitabat, consultissimus vir, ut in illa quisquam esse aetate poterat, omnis divini atque 15 humani iuris. auctorem doctrinae eius, quia non extat alias, 2 falso Samium Pythagoram edunt, quem Servio Tullio regnante Romae centum amplius post annos in ultima Italiae ora circa Metapontum Heracleamque et Crotonem iuvenum aemulantium

equivalent to *πόλις*. The only difference is that it can never be used for 'urbs' as *πόλις* is used for *δστρο*, e.g. in *πόλιστρειν*. Its English equivalent is not 'people,' i.e. 'nation,' but 'state' or 'body politic.' 'Populus Romanus' is 'the Roman Republic.'

4. vi adempta. See 8. 12, 15.

6. contione advocata. Public meetings at Rome could only be called by a magistrate. They were either 'comitia' where there was voting, or 'contiones' where there was only speaking. See 59. 7. It appears that the 'interrex' summons a 'contio' as introductory to the 'comitia.' This is illustrated by Varro, L. L. 6. 88 (quoting from the 'Commentarii consulares') 'Consul dicit voca ad conventionem omnes Quirites hue ad me. Accensus dicit sic: Omnes Quirites, ite ad conventionem huc ad iudices. Dein consul eloquitur ad exercitum, Impero qua convenit ad comitia centuriata.' Which passage shows the derivation of 'contio' from 'conventio.'

10. sciscerent iuberentque. These words express in strictness the decisions of different assemblies, as appears from Cic. pro Flacco 7. 15 'quae scisceret plebes aut quae populus iuberet,' where the context shows that he is thinking of the 'comitia tributa' and 'centuriata.' One or two in-

stances may be produced of 'scisco' and 'scitum' applied to an assembly not plebeian; but as in this place 'plebi' has immediately preceded, we must suppose that Livy expects us to believe that there were 'comitia tributa' in the days of Numa, although he himself represents plebeian assemblies as a startling novelty in the days of Menenius Agrippa 2. 28. Cicero (Rep. 2. 13) tells us expressly that Numa was chosen king in the 'comitia curiata.'

16. falso Samium. The anachronism had been remarked before by Cicero (Rep. 2. 15), though he places the arrival of Pythagoras in Italy in the reign of Tarquinius Superbus. Cicero also (de Fin. 5. 2) describes memorials of him as existing at Metapontum. Mr. Grote agrees with Cicero and Livy as to the period at which he lived.

18. Crotonem. This is Hertz' reading after one MS. The other MSS. have 'Crotonam,' from which Madvig conjectures 'Crotona.' 'Crotonem' is the common form, and is used in all other passages by Livy himself. See 23. 30, 6; 24. 2, 2.

aemulantium studia. 'Studia' is governed by 'aemulantium.' Cp. Tac. Hist. 3. 81 'studium philosophiae et placita Stoicorum aemulatus.' Also Cic. pro Mur. 29.

3 studia coetus habuisse constat. ex quibus locis, etsi eiusdem aetatis fuisset, qua fama in Sabinos aut quo linguae commercio quemquam ad cupiditatem discendi excivisset? quove praesidio unus per tot gentes dissonas sermone moribusque perver-  
4 nisset? suopte igitur ingenio temperatum animum virtutibus 5 fuisse opinor magis, instructumque non tam peregrinis artibus quam disciplina tetrica ac tristi veterum Sabinorum, quo genere nullum quondam incorruptius fuit.

5 Audito nomine Numae patres Romani, quamquam inclinari opes ad Sabinos rege inde sumpto videbantur, tamen neque 10 se quisquam nec factionis suae alium nec denique patrum aut civium quemquam praeferre illi viro ausi ad unum omnes Numae  
6 Pompilio regnum deferendum decernunt. accitus, sicut Romulus augurato urbe condenda regnum adeptus est, de se quoque deos consuli iussit. inde ab augure, cui deinde honoris ergo 15 publicum id perpetuumque sacerdotium fuit, deductus in arcem  
7 in lapide ad meridiem versus consedit. augur ad laevam eius capite velato sedem cepit, dextra manu baculum sine nodo aduncum tenens, quem lituum appellarunt. inde ubi prospectu

2. *qua fama in Sabinos.* The MSS. have 'que.' The correction is 'Signioris', adopted by Madvig. 'In Sabinos' may be illustrated by the common use of 'in volgus.' See examples in Forc. 'Fama in volgus' is 'popular reputation'; so 'fama in Sabinos' is 'Sabine reputation.' Pythagoras' reputation belonged to Magna Graecia, and did not extend to the Sabine country.

7. *quo genere.* W. says this is put for 'gente' and refers to 5, 2; 8, 29, 4; 22, 43, 3. In the second of these two passages 'genus' seems really equivalent to 'gens.' In the other two it is not so much 'nation,' i. e. the whole number of persons of the same descent, as 'stock' or 'blood.' And in the passages cited by Forc. a shade of difference is generally discernible. Here, for example, it is rather 'type.' So Cic. Phil. 4; 5 'Virtus est propria Romani generis.' See above on 9, 24.

14. *augurato . . . augure.* It seems to be Livy's view that there was a science of augury, but no recognised college of augurs in the reign of Romulus. In 7 Romulus and Remus are represented as taking an augury in regular form, but no augur is mentioned. Here we have an augur, but he seems to be an *amateur*, and only

wins his official character through being employed on this occasion. In 4, 4, 2 Livy asserts distinctly 'pontifices augures Romulo regnante nulli erant: ab Numa Pompilio creati sunt.' It would appear that in the present passage Livy followed another account, which made Romulus the founder of the college, and then, discovering the inconsistency, saved himself by inserting the clause 'cui deinde honoris ergo,' etc. That there was such an account appears from Cicero, who expressly asserts of Romulus (Rep. 2, 9) 'ex singulis tribubus singulos cooptavit augures.'

16. *deductus in arcem.* 'Deducere' is 'to conduct solemnly,' and may be used of leading up as well as down. It is used of the retinue that conducted the Roman noble from the forum to his house, though this was frequently up hill. But the passage, quoted by W. 32. II, 3, seems hardly parallel.

17. *in lapide.* This is the 'auguraculum' at the north-east point of the Capitoline hill, according to Becker and Marquardt, part I. p. 409.

versus. This seems to be a participle, as W. shows by comparing 36. 15, 7 'in septentrionem versa Epiros' and 31. 51, 3 'omnibus ad orientem versis regibus.'

in urbem agrumque capto deos precatus regiones ab oriente ad occasum determinavit, dextras ad meridiem partes, laevas ad septemtrionem esse dixit, signum contra, quo longissime 8 conspectum oculi ferebant, animo finivit; tum lituo in laevam 5 manum translato dextra in caput Numae imposita precatus ita est: 'Iuppiter pater, si est fas hunc Numam Pompilium, cuius 9 ego caput teneo, regem Romae esse, uti tu signa nobis certa adclarassis inter eos fines, quos feci.' tum peregit verbis auspicia, quae mitti vellet; quibus missis declaratus rex Numa de templo 10 descendit.

XIX. Qui regno ita potitus urbem novam, conditam vi et 1 armis, iure eam legibusque ac moribus de integro condere parat. quibus cum inter bella adsuescere videret non posse, quippe 2 efferari militia animos, mitigandum ferocem populum armorum 15 desuetudine ratus Ianum ad infimum Argiletum indicem pacis bellique fecit, apertus ut in armis esse civitatem, clausus pacatos circa omnes populos significaret. bis deinde post Numae 3 regnum clausus fuit, semel T. Manlio consule post Punicum pri- 20 mum perfectum bellum, iterum, quod nostrae aetati dii dederunt ut videremus, post bellum Actiacum ab imperatore Caesare 25 Augusto pace terra marique parta. Clauso eo cum omnium 4 circa finitimorum societate ac foederibus iunxisset animos, positis externorum periculorum curis ne luxuriarent otio animi, quos metus hostium disciplinaque militaris continuerat, omnium 25 primum rem a1 multitudinem imperitam et illis saeculis rudem efficacissimam, deorum metum iniciendum ratus est. qui cum 5 descendere ad animos sine aliquo commento miraculi non posset, simulat sibi cum dea Egeria congressus nocturnos esse; eius se monitu, quae acceptissima diis essent, sacra instituere, sacer- 30 dotes suos cuique deorum praeficere.

Atque omnium primum ad cursus lunae in duodecim menses 6

3. quo. 'quō' M., 'quod' P. Madvig reads 'quo,' W. 'quoad.'

7. uti expresses a wish. Cp. 'utinam.'

9. declaratus. Not, 'declared king by the augur,' but, 'manifested to be king by the signs.'

12. iure eam. This 'eam' is merely introduced for clearness. The commentators compare 28, 10; 49, 9; and 3. 58, 1; none of which instances, however, is equally

strong.

18. clausus fuit, 'it has been in a closed state.'

T. Manlio consule. 235 B.C.

20. Caesare Augusto. An expression important in fixing the date of publication of this first book. See Introduction, p. 5.

30. cuique deorum. The expression 'praeficere deo' for 'sacris dei' seems loose. 'Eorum' has been suggested.

describit annum; quem, quia tricenos dies singulis mensibus luna non explet, desuntque dies solido anno, qui solstitiali circumagit orbe, intercalariis mensibus interponendis ita dispensavit, ut vicesimo anno ad metam eandem solis, unde orsi 7 essent, plenis omnium annorum spatiis dies congruerent. idem 5 nefastos dies fastosque fecit, quia aliquando nihil cum populo agi utile futurum erat.

1. XX. Tum sacerdotibus creandis animum adiecit, quamquam ipse plurima sacra obibat, ea maxime quae nunc ad Dialem 10 flaminem pertinent. sed quia in civitate bellicosa plures Romuli quam Numae similes reges putabat fore, iturosque ipsos ad bella, ne sacra regiae vicis desererentur, flaminem Iovi adsiduum sacerdotem creavit, insignique eum veste et curuli regia sella adornavit. huic duos flamines adiecit, Marti unum, alterum 15 Quirino; virginesque Vestae legit, Alba oriundum sacerdotium et genti conditoris haud alienum. iis, ut adsiduae templi antistites

1. *tricenos dies.* Carelessly expressed, for if there were thirty days to the month, twelve months would still not make up the solar year.

2. *solido anno,* 'the full year.' Cp. Horace's 'solido de die.'

3. *solstitiali .. orbe,* 'through the solar orbit.' Abl. of the way along which, Madvig, § 274.

3. *intercalariis mensibus.* The best MSS. have 'intercalares (intercalares M, intercalares P) mensibus interponendis.' Hertz and Alschefski read 'interponendo' after some inferior MSS. Madvig takes Heerwagen's correction 'intercalariis,' which is the form Livy uses elsewhere, 37. 59, 2; 43. II, 13; 45. 44, 3.

4. *metam eandem,* 'position of the sun.'

6. *cum populo agi.* According to Gellius (13. 15, 9) this expression applies only to 'comitia,' not to 'contiones.' So that Livy here includes the 'dies comitiales' in the 'dies fasti.' Later these were distinguished.

12. *adsiduum sacerdotem.* Not merely 'perpetual' but 'resident.' Forc. gives several clear instances of this use of the word. So 'adsiduae' below, 3. The 'flamen Dialis,' along with the 'Rex sacrificulus,' and the 'Vestal Virgins,' seems to have been the most completely sacerdotal character in Rome. He was long forbidden to hold a secular office—always forbidden to leave Rome. His wife was priestess

(flaminica) and he never appeared but in his official dress, the 'albogalerus' with the 'apex,' the 'laena,' the 'secespita,' and the 'commetacula.' His whole life was a routine of ceremonies, and we are not surprised to hear (Tac. Ann. 3. 58) that the office remained vacant for seventy-two (75 Nipperdey) years after the murder of Cornelius Merula. Though inferior in dignity to the Pontiff, he must have seemed much more like the true successor of Numa, as Livy says he was; and we can understand why in this passage the 'flamens' and 'Vestals,' who were *exclusively* sacerdotal, are mentioned before the Pontiffs, upon whom, as in the case of Julius Caesar, their priestly character often sat very lightly.

13. *insigni veste.* From 27. 8, 8 we find that it was the 'toga praetexta.' This passage contains a curious story of a certain Valerius Flaccus, who, on account of his dissolute life, was made 'flamen Dialis' against his will, and immediately reformed himself and became eminent for sanctity. But Servius (ad Aen. 4. 262) says that the dress was a double 'toga' called 'laena.'

15. *Quirino.* Plutarch (Num. 7. 6) says that to the two already existing 'flamines' Numa added another in honour of Romulus, but here, as above (16, 8), Livy will know nothing of the identity of Romulus and Quirinus.

16. *conditoris.* That is, Romulus. He is thinking of Rea Silvia.

essent, stipendium de publico statuit, virginitate aliisque caerimoniis venerabiles ac sanctas fecit. Salios item duodecim <sup>4</sup> Marti Gradivo legit, tunicaeque pictae insigne dedit et super tunicam aeneum pectori tegumen, caelestiaque arma, quae <sup>5</sup> ancilia appellantur, ferre ac per urbem ire canentes carmina cum tripudiis sollemnique saltatu iussit.

Pontificem deinde Numam Marcium Marci filium ex patribus <sup>5</sup> legit, eique sacra omnia exscripta exsignataque adtribuit, quibus hostiis, quibus diebus, ad quae templa sacra fierent, atque unde <sup>10</sup> in eos sumptus pecunia erogaretur. cetera quoque omnia publica <sup>6</sup> privataque sacra pontificis scitis subiecit, ut esset, quo consultum plebes veniret, ne quid divini iuris neglegendo patrios ritus peregrinosque adsciscendo turbaretur; nec caelestes modo cae- <sup>7</sup> rimonias sed iusta quoque funebria placandosque manes ut <sup>15</sup> idem pontifex edoceret, quaeque prodigia fulminibus aliove quo visu missa susciperentur atque curarentur. ad ea elicienda ex mentibus divinis Iovi Elio aram in Aventino dicavit, deumque consuluit auguriis, quae suscipienda essent.

XXI. Ad haec consultanda procurandaque multitudine omni <sup>1</sup> <sup>20</sup> a vi et armis conversa et animi aliquid agendo occupati erant, et deorum adsidua insidens cura, cum interesse rebus humanis caeleste numen videretur, ea pietate omnium pectora imbuerat, ut fides ac ius iurandum proximo legum ac poenarum metu

1. stipendium de publico. The Vestals were endowed with land, i.e. part of the 'ager publicus.' This is several times mentioned in the Gromatici, Marquardt thinks Livy means here to say that the state administered their property for the Vestals. See the discussion of the earliest Roman church endowments in Becker and Marq. Alt. 3. 2, 68.

4. arma, quae ancilia. 'Arma' is 'shields.' See below, 25, 17. For the shape and appearance of the 'ancilia,' see Smith's Dict. Ant. s. v. Salii.

5. carmina. The 'Carmen Saliare' of Numa is mentioned by Horace (Ep. 2. 1, 86) and Quint. (1. 6, 40) as a monument of the most ancient Latinity.

7. Pontificem. Schwegler remarks that both here and below, 32, Livy knows of only one 'pontifex,' whereas Cic. Plut. and Dion. agree in making Numa institute a 'collegium' of five. In 4. 4, 2 he seems to say that the 'pontifices' were created by Numa.

16. curarentur. 'Procurare' is commoner in this sense, but Livy often puts the simple for the compound verb. See Kühnast, p. 333.

17. deumque consuluit auguriis. Note the studied omission to state when or by whom the augurs were first established. See above, on 18, 14. It seems clear that Livy's authority said that Numa established the augurs, which Livy, to avoid inconsistency, here slurs.

23. proximo legum. Various emendations have been proposed here:—'propulso legum,' 'proxime legum . . . metum,' 'pro timore legum,' 'pro proximo legum,' 'pro mole legum,' 'pro summo legum,' 'procul legum.' Madvig, as usual, is more ingenious with 'pro obnoxio.' Cp. 6. 34, 3 and 42, 46, 4, where 'obnoxius' means 'slavish.' W. and Alan defend the MS. reading. They, quote 'tu secundo Caesare regnes,' and would translate 'proximo' 'secondary.' But Horace does not mean 'Reign superior to Caesar,' but 'Reign with Caesar next to

2 civitatem regerent. et cum ipse se homines in regis, velut unici exempli, mores formarent, tum finitimi etiam populi, qui antea castra non urbem positam in medio ad sollicitandam omnium pacem crediderant, in eam verecundiam adducti sunt, ut civitatem totam in cultum versam deorum violare ducerent nefas. 5  
 3 Lucus erat, quem medium ex opaco specu fons perenni rigabat aqua. quo quia se persaepe Numa sine arbitris velut ad congressum deae inferebat, Camenis eum lucum sacravit, quod  
 4 earum ibi concilia cum coniuge sua Egeria essent. et soli Fidei sollemne instituit. ad id sacrarium flamines bigis curru arcuato 10 vehi iussit, manuque ad digitos usque involuta rem divinam facere, significantes fidem tutandam sedemque eius etiam in  
 5 dexteris sacratam esse. multa alia sacrificia locaque sacris faciendis, quae Argeos pontifices vocant, dedicavit. omnium tamen maximum eius operum fuit tutela per omne regni tem- 15  
 6 pus haud minor pacis quam regni.—Ita duo deinceps reges, alias alia via, ille bello hic pace, civitatem auxerunt. Romulus septem et triginta regnavit annos, Numa tres et quadraginta. cum valida tum temperata et belli et pacis artibus erat civitas. 20

1. XXII. Numae morte ad interregnum res rediit. inde Tullum Hostilium, nepotem Hostili, cuius in infima arce clara pugna

you.' I would translate, 'a fear scarcely less effective than that inspired by laws,' etc. i. e. 'metu proximo (metum) legum,' etc.

8. Camenae. The Italians connected brooks with the gift of prophecy. See Ovid, Fasti, 3. 299. They at the same time personified them as maidens called 'Camenae' or 'Casmeneae.' See Serv. on Ecl. 7. 21. As prophecy and madness were supposed to go together, 'lymphatus' and 'lymphanticus' mean 'maddened.' The principal of these 'Camenae' are Juturna and Egeria. Egeria was also worshipped at Aricia. Cp. Virg. Aen. 7. 763. She is spoken of also as a goddess of childbirth: 'Egeriae Nymphae sacrificabant praegnantes quod eam putabant facile conceptam alvum (conceptum alvo, Turneb.) egerere.' Paul. Diac. 58, 5.

9. et soli Fidei. I see no meaning in 'soli.' W. doubts the reading, but thinks the word may contrast the solitary 'Fides' with the plural 'Camenae' just mentioned. Surely this can satisfy no one. Dionysius, in the parallel passage 2. 75, declaims in his

tedious way upon the originality and singularity of Numa in consecrating 'Fides':—  
 πρᾶγμα ἔξευρὸν ἡγνομένον ὑπὸ πάντων τῶν καταστησαμένων τὰς ἐλλογίμους πολιτείας . . . Δίκην μὲν γάρ καὶ Θέμιν . . . ἀποχρώντως ἐκτεθειῶσθαι τε καὶ καθωσῶνται ἐνόμισε . . . Πίστιν δὲ . . . οὐπω σεβασμῶν τυγχάνειν . . . ταῦτα δὲ διανοηθεῖς πρώτος ἀνθρώπων ἤρδε Ἰδρύσατο Πίστεως. These last words are an almost exact translation of 'solus Fidei sollemne instituit.' Surely then we should read here 'solus.'

11. vehi. It was in a 'curru arcuato' that Vestals rode. Livy says it was used in the worship of Fides to show that Faith should be carefully guarded, 'fidem tutandam.' For 'involuta' M. P. have 'adinvoluta,' which Kühnast accepts.

14. Argeos. See p. 89.

17. alius alia, for 'alter altera.' So 'alibi.. alibi,' 3. 28, 3.

With chaps. xxii-xxxii. cp. Hist. Ex. pp. 41-44.

adversus Sabinos fuerat, regem populus iussit: patres auctores facti. hic non solum proximo regi dissimilis sed ferocior etiam <sup>2</sup> quam Romulus fuit. cum aetas viresque tum avita quoque gloria animum stimulabat. senescere igitur civitatem otio ratus <sup>5</sup> undique materiam excitandi belli quaerebat. forte evenit, ut <sup>3</sup> agrestes Romani ex Albano agro, Albani ex Romano praedas in vicem agerent. imperitabat tum Gaius Cluilius Albae. utrim- <sup>4</sup> que legati fere sub idem tempus ad res repetendas missi. Tullus praeceperat suis, ne quid prius quam mandata agerent. <sup>10</sup> satis sciebat negaturum Albanum: ita pie bellum indici posse. ab Albanis socordius res acta: excepti hospitio ab Tullo blande <sup>5</sup> ac benigne comi fronte regis convivium celebrant. tantisper Romani et res repetiverant priores et neganti Albano bellum in tricesimum diem indixerant. haec renuntiant Tullo. tum <sup>6</sup> <sup>15</sup> legatis Tullus dicendi potestatem, quid petentes venerint, facit. illi omnium ignari primum purgando terunt tempus se invitatos quicquam, quod minus placeat Tullo, dicturos, sed imperio subigi: res repetitum se venisse; ni reddantur, bellum indicere iussos. ad haec Tullus 'nuntiate,' inquit, 'regi vestro, regem <sup>7</sup> <sup>20</sup> Romanum deos facere testes, uter prius populus res repetentes legatos aspernatus dimiserit, ut in eum omnes expetant huiusc clades belli.'

XXIII. Haec nuntiant domum Albani. et bellum utrimque <sup>1</sup> summa ope parabatur, civili simillimum bello, prope inter <sup>25</sup> parentes natosque, Troianam utramque prolem, cum Lavinium ab Troia, ab Lavinio Alba, ab Albanorum stirpe regum oriundi Romani essent. eventus tamen belli minus miserabilem dimi- <sup>2</sup>

7. imperitabat. Livy is doubtful what title to give both to Cluilius and Mettius. In 23, 4 Cluilius is 'rex' and Mettius 'dictator,' but in 24, 2 Mettius is 'rex.'

12. comi fronte. There is great variation in the MSS. here, but the meaning is clear. tantisper, 'meanwhile.' See above, 3, 1.

16. purgando. The editors take this absolutely, 'waste time in making excuses.' I do not find the word used so elsewhere. In 24, 47, 6, which W. cites, the excuse made is put after 'purgare' as an object-clause. It seems better, therefore, to put no stop after 'tempus,' and make 'se invitatos,' etc., the object-clause of 'purgando.'

20. uter prius. The grammatical

order seems to be 'ut in eum populum, uter prius r. r. l. a. d., omnes,' etc. 'Uter' is relative, as in 44, 19, 14 'nuntiare, ni absistatur bello, per utrum stetisset eum non pro amico nec pro socio habitueros esse.' See also 21, 18, 13 and Cic. Div. in Caec. 14, 45.

21. expetant. Below, 23, 4, we have this word used actively. See also in 3, 40, 4, and more than once in Cicero. It is possible to take it so here, making 'dii' the subject. On the other hand it seems more natural to regard it as neuter, and this is supported by several passages in Plautus, e. g. Amph. 1, 2, 32; 2, 1, 42; 3, 2, 14.

cationem fecit, quod nec acie certatum est, et tectis modo dirutis alterius urbis duo populi in unum confusi sunt.

8 Albani priores ingenti exercitu in agrum Romanum impetum fecere. castra ab urbe haud plus quinque milia passum locant, fossa circumdant: fossa Cluilia ab nomine ducis per aliquot 5 saecula appellata est, donec cum re nomen quoque vetustate 4 abolevit. in his castris Cluilius Albanus rex moritur; dictatorem Albani Mettium Fufetium creant. interim Tullus ferox prae-  
cipue morte regis, magnumque deorum numen, ab ipso capite orsum, in omne nomen Albanum expetitum poenas ob bellum 10 inpium dictitans, nocte praeteritis hostium castris infesto exer-  
5 citu in agrum Albanum pergit. ea res ab stativis excivit Mettium. ducit quam proxume ad hostem potest. inde legatum prae-  
missum nuntiare Tullo iubet, priusquam dimicent, opus esse colloquio: si secum congressus sit, satis scire ea se allaturum, 15 quae nihil minus ad rem Romanam quam ad Albanam per-  
6 tineant. haud aspernatus Tullus, tamen, si vana adferantur, in aciem educit. exeunt contra et Albani. postquam instructi utrimque stabant, cum paucis procerum in medium duces 7 procedunt. ibi infit Albanus: 'iniurias et non redditas res ex 20 foedere quae repetitae sint, et ego regem nostrum Cluilium causam huiusce belli audisse videor, nec te dubito, Tulle, eadem prae te ferre. sed si vera potius quam dictu speciosa dicenda sunt, cupido imperii duos cognatos vicinosque populos 8 ad arma stimulat. neque, recte an perperam, interpretor; fuerit 25 ista eius deliberatio, qui bellum suscepit: me Albani gerendo bello ducem creavere. illud te, Tulle, monitum velim: Etrusca res quanta circa nos teque maxime sit, quo propior es Tuscis,

4. passum. So the MSS. for 'passuum.'

8. Mettium. Virgil writes 'Mettum'

Aen. 8. 642. On him and Cluilius, see Hist. Ex. p. 42. Note that we have here again, as in 12, a contest between Mettius and Hostilius.

17. si vana adferantur. 'Tametsi vana afferri rebatur,' Madvig, after Tanaquil Faber, because the propositions were not 'vana.' Codd. 'afferebantur.' 'Tamen si vana afferantur' is Heerwagen's. It gives the best sense, for why should Tullus have suspected Mettius of trifling with him? For the construction, compare 41, 2 'Si destitutus spes, alia molitur.'

18. instructi. So for 'structi,' Mad-

vig, who says the *in* has dropped out after *m.*

19. stabant. The imperfect after 'postquam' sometimes occurs when a pluperfect meaning is implied. Here 'stabant' = 'con-  
sisterant.' See Kühnast, p. 212.

21. regem nostrum Cluilium . . .  
audisse videor. Supply 'dicentem.' W. compares 4. 20, 7 'Augustum Caesa-  
rem . . . se . . . legisse audissem.'

23. prae te ferre. W. remarks that Livy prefers the acc. with inf. to 'quin' after 'dubito.'

28. es Tuscis. The MSS. have 'Uulscis.' The correction is Stroh's.

hoc magis scis. multum illi terra, plurimum mari pollut. memor <sup>9</sup> esto, iam cum signum pugnae dabis, has duas acies spectaculo fore, ut fessos confectosque simul victorem ac victimum adgreditantur. itaque si nos di amant, quoniam non contenti libertate <sup>5</sup> certa in dubiam imperii servitiique aleam imus, ineamus aliquam viam, qua, utri utris imperent, sine magna clade, sine multo sanguine utriusque populi decerni possit.' haud displicet res <sup>10</sup> Tullo, quamquam cum indole animi tum spe victoriae ferocior erat. quaerentibus utrimque ratio initur, cui et fortuna ipsa <sup>10</sup> praebuit materiam.

XXIV. Forte in duobus tum exercitibus erant trigemini <sup>1</sup> fratres nec aetate nec viribus dispare. Horatios Curiatiosque fuisse satis constat, nec ferme res antiqua alia est nobilior. tamen in re tam clara nominum error manet, utrius populi <sup>15</sup> Horatii, utrius Curiatii fuerint. auctores utroque trahunt; plures tamen invenio, qui Romanos Horatios vocent; hos ut sequar, inclinat animus. cum trigeminis agunt reges, ut pro sua quisque <sup>2</sup> patria dimicent ferro: ibi imperium fore, unde victoria fuerit. nihil recusatur. tempus et locus convenit. priusquam dimicarent, <sup>3</sup> <sup>20</sup> foedus ictum inter Romanos et Albanos est his legibus, ut, cuius populi cives eo certamine vicissent, is alteri populo cum bona pace imperitaret.

Foedera alia aliis legibus, ceterum eodem modo omnia fiunt. tum ita factum accepimus, nec ullius vetustior foederis memoria <sup>4</sup> <sup>25</sup> est. fetialis regem Tullum ita rogavit: 'iubesne me, rex, cum patre patrato populi Albani foedus ferire?' iubente rege 'sag-

1. memor esto. Notice that 'esto' is a future tense, since it stands with 'cum dabis.'

9. quaerentibus . . . ratio initur. The dative of the agent after the indicative mood of the verb is rare in the prose of the best age, and not common even in verse. Cp. 31, 4.

14. error, not 'error,' i. e. a going wrong, but 'a possibility of going wrong, here, 'a discrepancy': so Virg. Aen. 10. 391 describes the twins Larides and Thymber as 'gratus parentibus error,' 'a delightful puzzle to their parents;' and the Cretan labyrinth is an 'inextricabilis error' to Virgil, and an 'inobservabilis error' to Catullus.

15. utroque. So 'moderatum utroque' in 2. 30, 1, and 'in diversum auctores tra-

hunt' in 25. 11, 20. The quotations are W.'s.

plures invenio. This is the infancy of historical criticism. Livy simply counts the witnesses without inquiring whether they were independent of each other or what means they had of knowing the truth.

18. ibi . . . unde. Cp. 45. 5. 'Unde' is here almost equivalent to 'ubi.' In the same way 'undique' is sometimes hardly distinguishable from 'ubique.'

21. cuius. So Madvig for 'cuiusque,' which cannot be right.

25. fetialis. Preller would connect this word with 'fides' without much probability. Mommsen says it is of doubtful origin.

26. patre patrato populi Albani.

5 mina' inquit 'te, rex, posco.' rex ait 'puram tollito.' fetialis ex arce graminis herbam puram attulit. postea regem ita rogavit: 'rex, facisne me tu regium nuntium populi' Romani Quiritium, vasa comitesque meos?' rex respondit: 'quod sine 6 fraude mea populique Romani Quiritium fiat, facio.' fetialis 5 erat M. Valerius. is patrem patratum Spurium Fusum fecit verbena caput capillosque tangens. pater patratus ad ius iurandum patrandum, id est sanciendum fit foedus, multisque id verbis, quae longo effata carmine non operae est referre, 7 peragit. legibus deinde recitatis 'audi' inquit, 'Iuppiter, audi, 10 pater patrare populi Albani, audi tu, populus Albanus: ut illa palam prima postrema ex illis tabulis cerave recitata sunt sine dolo malo, utique ea hic hodie rectissime intellecta sunt, 8 illis legibus populus Romanus prior non deficiet. si prior defexit publico consilio dolo malo, tum illo die, Diespiter, populum 15 Romanum sic ferito, ut ego hunc porcum hic hodie feriam, 9 tantoque magis ferito, quanto magis potes pollesque.' id ubi dixit, porcum saxo silice percussit. sua item carmina Albani suumque ius iurandum per suum dictatorem suosque sacerdo- 20 tes peregerunt.

The institution of Fetials is here assumed not to be peculiar to Rome. It seems, in fact, to have been widely spread in Italy. We find it among the Samnites, 8. 39; 9. 1. The 'pater patratus' seems not a president of the College of Fetials, but a president of a particular deputation from it elected for the occasion. The expression seems to mean 'one who is made father.' See below, 6. Some passages suggest that the title is connected with the doctrine of 'patria potestas.' A principal duty of the Fetials was to give up to a foreign state citizens who had violated its rights. In order to give them up it seems to have been held that they must have 'patria potestas' over them. See Cic. de Or. 1. 40, 181 'quia memoriae sic esset proditum quem pater suus aut populus vendidisset aut pater patratus dedidisset ei nullum esse postliminium.' Cp. Cic. pro Caec. 34. 98.

I. puram tollito. Ussing writes '[puram] tollito,' considering the words to have crept in from the next line. At least we ought to have 'pura.'

9. effata. Used passively. Cp. 10. 37. 15.

15. tum illo die, etc. The MSS. have 'tum ille dies Iuppiter.' But in M 'Iup'

is crossed out, and there is an alteration of 'ille' to 'illo.' Madvig follows the MSS. making 'ille dies' the subject of 'ferito.' But it seems plain from what follows ('tanto magis ferito,' etc.) that 'ferito' is the second person. He suggests 'illo die Iuppiter' as the alternative. But 'Diespiter' is a form specially belonging to these old formulae, and its rareness affords an explanation of the perplexity of the copyists. Paulus Diaconus, p. 115, has preserved a parallel instance, 'si sciens fallo, tum me Diespiter,' etc., and cp. Horace—

'Saepè Diespiter

Neglectus incesto addidit integrum.'

18. silice. This flint appears often in the proceedings of the 'fetiales.' We are told that it was taken out of the temple of 'Iuppiter Feretrius.' Paul. Diac. p. 92. It seems to have been a symbol of Jove himself. See Polybius 3. 25. We have the expression 'Iovem lapidem iurare' in Gell. N. A. 1. 21, Cic. ad Fam. 7. 12. App. de Deo Socr. 131. It is conjectured that a meteoric stone was taken as the symbol of the power of the Thunderer. So Virg. Aen. 12. 200

'Audiat haec genitor qui foedera fulmine sanxit.'

XXV. Foedere icto trigemini sicut convenerat arma capiunt.<sup>1</sup> cum sui utrosque adhortarentur, deos patrios patriam ac parentes, quidquid civium domi, quidquid in exercitu sit, illorum tunc arma, illorum intueri manus, feroce<sup>s</sup> et suopte ingenio et pleni<sup>5</sup> adhortantium vocibus in medium inter duas acies procedunt. conserderant utrumque pro castris duo exercitus periculi magis<sup>2</sup> praesentis quam curae expertes: quippe imperium agebatur in tam paucorum virtute atque fortuna positum. itaque ergo erecti suspensi<sup>6</sup>que in minime gratum spectaculum animo incenduntur.  
 10 datur signum, infestisque armis, velut acies, terni iuvenes<sup>3</sup> magnorum exercituum animos gerentes concurrunt. nec his nec illis periculum suum, publicum imperium servitiumque obversatur animo futuraque ea deinde patriae fortuna, quam ipsi fecissent. ut primo statim concursu increpere arma mican-<sup>4</sup>  
 15 tesque fulsere gladii, horror ingens spectantes perstringit, et neutro inclinata spe torpebat vox spiritusque. consertis deinde<sup>5</sup> manibus cum iam non motus tantum corporum agitatioque anceps telorum armorumque, sed vulnera quoque et sanguis spectaculo essent, duo Romani super alium aliis vulneratis<sup>6</sup>  
 20 tribus Albanis expirantes corruerunt. ad quorum casum cum<sup>6</sup> conclamasset gaudio Albanus exercitus, Romanas legiones iam spes tota, nondum tamen cura deseruerat, exanimis vicem

2. cum sui. So Madvig following M. The other MSS. have 'armati cum.'

4. feroce<sup>s</sup> et suopte ingenio et pleni, etc. The position of the 'et'—'et' shows that 'pleni' is not added to 'feroce<sup>s</sup>', but explanatory of it. Translate, 'Ardent both from their natural disposition and as inspired by,' etc.

8. itaque ergo. For this combination of particles, see 3. 31, 5; Ter. Eun. 2. 3. 25.

9. suspensi is 'nervous.' Cp. Virg. Aen. 2. 629

'Suspensum et pariter comitique onerique timentem.'

minime gratum spectaculum. W. suggests that there is an allusion here to the gladiatorial shows. 'A show, but not'—like other shows—'entertaining.'

incenduntur. 'intenduntur,' Madvig and Hertz, after H. I. W. says 'intendere' generally takes 'animum.' For 'animus,' used of a number, W. refers to 3. 7, 2.

11. animos. 'Animus' is 'the heart,' 'animi,' 'courage.'

12. publicum. For the omission of 'sed,' W. compares 17, 1; 3. 71, 6.

13. futuraque .. fortuna, for 'futuram esse .. fortunam.' This construction is not uncommon with participles. In later Latin it was extended further, of which one of the earliest examples is Horace's

'Sed minutu furerem'

Vix una sospes navis ab ignibus.'

14. arma, 'shields.' See above, 11, 7, below, 12, and 7. 10, 9. Cp. Virg. Aen. 12. 491

'Substitut Aeneas et se collegit in *arma*.'

17. agitatioque anceps, 'movement from both sides.' So 'ancipitia tela' 37. 11, 8.

19. alium aliis for 'alterum alter.' Cp. 21. 6.

22. vicem unius. The MSS. have 'vice,' which W. retains, translating, 'on account of the condition.' But, as Madvig says, this is not the meaning of the word; 'vicem,' 'in behalf of,' is quite in place here, and the omission of 'm' at the end of words is common in the archetype.

7 unius, quem tres Curiatii circumsteterant. forte is integer fuit, ut universis solus nequaquam par, sic adversus singulos ferox. ergo ut segregaret pugnam eorum, capessit fugam, ita ratus 8 secuturos, ut quemque vulnere adfectum corpus sineret. iam aliquantum spatii ex eo loco, ubi pugnatum est, aufugerat, cum 5 respiciens videt magnis intervallis sequentes, unum haud procul 9 ab sese abesse, in eum magno impetu rediit; et dum Albanus exercitus inclamat Curiatiis, uti opem ferant fratri, iam Horatius caeso hoste victor secundam pugnam petebat. tunc clamore, qualis ex insperato faventium solet, Romani adiuvant militem 10 suum, et ille defungi proelio festinat. prius itaque quam alter, qui nec procul aberat, consequi posset, et alterum Curiatum 11 conficit. iamque aequato Marte singuli supererant, sed nec spe nec viribus pares. alterum intactum ferro corpus et geminata victoria ferocem in certamen tertium dabat, alter fessum 15 vulnere, fessum cursu trahens corpus, victusque fratrum ante 12 se strage victori obicitur hosti. nec illud proelium fuit. Romanus exultans 'duos' inquit 'fratrum Manibus dedi, tertium causae belli huiusce, ut Romanus Albano imperet, dabo.' male 13 sustinenti arma gladium superne iugulo defigit, iacentem spo- 20 liat. Romani ovantes ac gratulantes Horatium accipiunt eo maiore cum gaudio, quo prope metum res fuerat. ad sepulturam inde suorum nequaquam paribus animis vertuntur, quippe

2. ut universis . . sic, 'though, etc., yet.'

ferox. The fundamental meaning of this word is 'spirited.' Sometimes it is used of temperament, and then it means 'warlike,' 'chivalrous;' sometimes of mood, and then it means 'sanguine,' 'triumphant.' Translate here 'confident.' See below, 11 and 26, 3. Dr. Dyer, in paraphrasing 22, 2 and 23, 4, speaks of the *ferocity* of Tullus.

6. sequentes . . abesse. For a participle and an infinitive following the same verb of seeing, cp. 6. 25, 9.

8. inclamat. Used in a similar sense 8. 9, 4 and 10. 4, 8, but followed there by the accusative.

10. qualis . . solet. 'Esse' is often omitted in such clauses. Cp. 2. 34, 2 'fanes deinde, qualis clausis solet.' But Madvig denies that it can be omitted here, and reads, 'qualis esse ex,' etc. He corrects the other passage in the same way.

faventium. The appropriate word for encouraging combatants with shouting. Cp. 12, 10, and Horace:

'Vel nos in Capitolium

Quo clamor vocat et turba faventium .. '

12. nec procul. 'Nec' used apparently for 'haud,' but I can find no parallel instance, except in archaic expressions, such as 'nec mancipi,' etc.

15. dabant. Drakenborch has 'dabant.' In any case the subject is the fact that he was unwounded and had been twice victorious.

17. nec illud proelium fuit. 'Illud' here is 'what followed.' Cp. 28, 5 'nec imperium illud meum.'

19. male sustinenti arma. Again 'arma' means 'shield,' which Dr. Dyer overlooks.

20. iugulo defigit. In 57. 11 we have 'in corde' after 'defigit.'

22. quo prope. For the omission of 'magis' cp. 25. 29, 6 and 28. 44, 9.

imperio alteri aucti, alteri dicionis alienae facti. sepulcra extant 14 quo quisque loco cecidit, duo Romana uno loco proprius Albam, tria Albana Romam versus, sed distantia locis, ut et pugnatum est.

5 XXVI. Priusquam inde digrederentur, roganti Mettio ex 1 foedere icto, quid imperaret, imperat Tullus, uti iuventutem in armis habeat, usurum se eorum opera, si bellum cum Ve-  
tentibus foret. ita exercitus inde domos abducti.

Princeps Horatius ibat trigemina spolia piae se gerens. cui 2  
10 soror virgo, quae desponsa uni ex Curiatiis fuerat, obvia ante portam Capenam fuit; cognitoque super umeros fratris paludamento sponsi, quod ipsa confecerat, solvit crines et flebiliter nomine sponsum mortuum appellat. movet feroci iuveni animum 3 conploratio sororis in victoria sua tantoque gaudio publico.  
15 stricto itaque gladio simul verbis increpans transfigit puellam. 'abi hinc cum immaturo amore ad sponsum' inquit, 'oblita 4 fratrum mortuorum vivique, oblita patriae. sic eat quaecumque Romana lugebit hostem.' atrox visum id facinus patribus 5 plebique, sed recens meritum facto obstabat. tamen raptus 20 in ius ad regem. rex, ne ipse tam tristis ingratique ad volgus iudicii ac secundum iudicium supplicii auctor esset, concilio populi advocato 'duumviro', inquit, 'qui Horatio perduellionem iudicent secundum legem facio.' lex horrendi carminis erat: 6 duumviri perduellionem iudicent. si a duumviris provocarit, 25 provocatione certato. si vincent, caput obnubito, infelici arbori

3. ut et pugnatum est. That is, the surviving Horatius had fled in the direction of Rome, and so the Alban tombs were nearer Rome than the Roman ones. The 'sacer campus Horatiorum' is placed by Martial (3. 47) outside the Capene gate.

11. portam Capenam. Not that the 'porta Capena' existed at this time.

13. feroci iuveni, 'the triumphant soldier.' See above on 25, 2, and below on 31, 3.

15. itaque. In Livy and also in Quin-tilian 'itaque' is often placed second. Cp. 25, 10 and 34, 8.

19. facto obstabat, 'was a set-off against the deed.' W. compares Sall. Cat. 52, 31, where Cato is arguing 'against mercy to the conspirators, and says, 'Vide-licet cetera vita eorum huic sceleri obstat.' 'Meritum' is 'service' not 'merit,' which is 'laus.'

20. ingratique ad volgus. So, 'ad muliebre ingenium efficaces' 9, 16.

21. auctor esset, 'might be responsible for.' 'Ac secundum' is Rhenanus' correc-tion for 'ad secundum.'

22. perduellionem. Lit. 'being in a state of war,' i.e. against the state, a public enemy. The regular word answering to high treason. It is strange that Horatius should be charged with this and not with murder, 'parricidium.'

23. carminis, 'formula.'

24. provocarit. Supply 'reus.' This omission is common in the old laws. E. g. 'Si iniuriam faxit alteri, viginti quinque aeris paenae sunt.' (From the Twelve Tables.)

25. si vincent, i.e. 'duumviri,' 'obnu-bito,' i.e. 'lictor' (see below, § 11). infelici arbori. W. regards this as a locative. Observe that Livy alters it in § 11,

reste suspendito, verberato vel intra pomerium vel extra pomerium. hac lege duumviri creati, qui se absolvere non rebantur ea lege ne innoxium quidem posse, cum condemnassent, tum alter ex iis 'Publi Horati, tibi perduellionem iudico' inquit. 8 'lictor, conliga manus.' accesserat lictor iniciebatque laqueum. 5 tum Horatius auctore Tullo, clemente legis interprete, 'provoco' 9 inquit. ita de provocatione certatum ad populum est. moti homines sunt in eo iudicio maxime Publio Horatio patre proclamante, se filiam iure caesam iudicare; ni ita esset, patrio iure in filium animadversurum fuisse. orabat deinde, ne se, 10 quem paulo ante cum egregia stirpe conspexissent, orbum 10 liberis facerent. inter haec senex iuvenem amplexus, spolia Curiatiorum fixa eo loco, qui nunc Pila Horatia appellatur, ostentans, 'huncine' aiebat, 'quem modo decoratum ovantemque victoria incidentem vidistis, Quirites, eum sub furca vinctum 15 inter verbera et cruciatus videre potestis, quod vix Albanorum 11 oculi tam deforme spectaculum ferre possent? i, lictor, conliga manus, quae paulo ante armatae imperium populo Romano pepererunt. i, caput obnube liberatoris urbis huius; arbore infelici suspende, verbera vel intra pomerium, modo inter illa 20 pila et spolia hostium, vel extra pomerium, modo inter sepulcra Curiatiorum. quo enim ducere hunc iuvenem potestis, ubi non

when he is repeating the same thought in his own language. Unfruitfulness and darkness of colour ('furvi boves') were qualities of things dedicated to the infernal gods.

7. de provocatione. So MSS. Madvig omits 'de' after Tanaquil Faber, who proposed 'itaque.'

On the whole story, observe (1) that it seems taken from the pontifical books, for Cicero (de Rep. 2, 31, 54) says, 'provocationem etiam a regibus fuisse declarant pontifici libri'; (2) that this practice of the kings of choosing assessors in capital cases is confirmed by the charge brought against Superbus (49, 4), 'cognitiones capitalium rerum sine consilii per se solus exercebat'; (3) that Livy imagines the 'duumviri' to be an extraordinary commission, whereas other writers identify them with the 'quaestores parricidi.' In Dig. 1. 13 we read, 'sicuti dubium est an Romulo et Numa regnantibus quaestor fuerit, ita Tullo Hostilio rege quaestores fuisse certum est'; (4) that the king has no power of granting a pardon; (5) the strange construction

Livy puts on the words 'duumviri perduellionem iudicent.' We should naturally take this to mean, let them pass sentence, if the accused is guilty. But Livy thinks they bind the 'duumviri' to condemn. And Cicero (pro Rab. 4. 13) supports him, 'hic popularis a duumviris, iniussu vestro, non iudicari de cive Romano sed indicta caussa civem Romanum capitum condemnari coegerit'; (6) that the appeal seems to depend on the king's permission; see 8 'auctore Tullo.' This is, perhaps, the difference of the 'provocation' of the time of the kings and the absolute right of 'provocatio' which was given by the 'Lex Valeria.' Cp. Hist. Ex. pp. 90-92.

19. arbore infelici. Not arbori. See above, 2.

20. modo . . . modo. I suppose this strange use of 'modo' is to be thus explained: 'quod dicit vel intra vel extra pomerium modo iubet lex inter spolia hostium modo inter sepulcra C. eum verberari.'

21. pila. On the Pila Horatia, see p. 43.

sua decora eum a tanta foeditate supplicii vindicent? non tulit 12  
populus nec patris lacrimas nec ipsius parem in omni periculo  
animum; absolveruntque admiratione magis virtutis quam iure  
causae. itaque, ut caedes manifesta aliquo tamen piaculo luer-  
5 etur, imperatum patri, ut filium expiaret pecunia publica. is 13  
quibusdam piacularibus sacrificiis factis, quae deinde genti  
Horatiae tradita sunt, transmisso per viam tigillo capite ad-  
operto velut sub iugum misit iuvenem. id hodie quoque publice  
semper refectum manet; sororium tigillum vocant. Horatiae 14  
10 sepulcrum, quo loco corruerat icta, constructum est saxo quad-  
rato.

XXVII. Nec diu pax Albana mansit. invidia volgi, quod 1  
tribus militibus fortuna publica commissa fuerit, vanum inge-  
nium dictatoris corrupit, et, quoniam recta consilia haud bene  
15 evenerant, pravis reconciliare popularium animos coepit. igitur 2  
ut prius in bello pacem, sic in pace bellum quaerens, quia suaे  
civitati animorum plus quam virium cernebat esse, ad bellum  
palam atque ex edicto gerendum alios concitat populos, suis  
per speciem societatis proditionem reservat. Fidenates, colonia 3  
20 Romana, Veientibus sociis consilii adsumptis pacto transitionis  
Albanorum ad bellum atque arma incitantur. cum Fidenae 4  
aperte descissent, Tullus Mettio exercituque eius ab Alba  
accito contra hostes dicit. ubi Anienem transiit, ad confluentis  
collocat castra. inter eum locum et Fidenas Veientium exer-  
25 citus Tiberim transierat. hi et in acie prope flumen tenuere 5  
dextrum cornu, in sinistro Fidenates proprius montes consis-  
tunt. Tullus adversus Veientem hostem derigit suos; Alba-  
nos contra legionem Fidenatium collocat. Albano non plus

4. aliquo tamen, i. e. 'si non digno  
at aliquo.'

6. deinde, 'thenceforward.' Cf. 7, 2.

10. quo loco, i. e. before the Capene  
gate. He means, I suppose, on the 'Cam-  
pus Horatiorum.' See above, 25, 14.

12. Nec, here = 'but not.' Cf. 53, 1.

13. commissa fuerit. Cp. 'habu-  
erint,' 11, 8. Madvig reads 'fuerat.'

vanum ingenium, 'weak character.'

15. igitur. Placed first also in 2. 48. 1;

26. 5, 3; 26. 24, 8; 27. 15, 15; 27. 16, 2,  
but not so often in Livy as in Cicero. See  
Kühnast, p. 318.

16. in bello pacem. This reminds

one of Horace's 'pacem duello miscuit.'

18. ex edicto must mean 'with a  
formal declaration.' But 'edicere' is not  
elsewhere used in this sense, though 'indi-  
cere' is.

19. Fidenates, colonia Romana.

We read of a conquest of Fidenae in c. 14.  
It is here assumed that a colony had been  
sent to it.

20. transitionis, 'desertion.' Cf. 2.

25, 1.

23. confluentis, i. e. 'Anienem et  
Tiberim.'

28. legionem. See above, on 11,  
15.

animi erat quam fidei. nec manere ergo nec transire aperte ausus sensim ad montes succedit. inde, ubi satis subisse sese ratus est, erigit totam aciem, fluctuansque animo, ut tereret tempus, ordines explicat. consilium erat, qua fortuna rem daret, ea inclinare vires. miraculo primo esse Romanis, qui proximi steterant, ut nudari latera sua sociorum digressu senserunt; inde eques citato equo nuntiat regi, abire Albanos. Tullus in re trepida duodecim vovit Salios, fanaque Pallori ac Pavori. equitem clara increpans voce, ut hostes exaudirent, redire in proelium iubet, nihil trepidatione opus esse; suo iussu circumduci Albanum exercitum, ut Fidenatum nuda terga invadant. item imperat, ut hastas equites erigerent. id factum magnae parti peditum Romanorum conspectum abeuntis Albani exercitus intersaepsit; qui viderant, id quod ab rege auditum erat rati, eo acrius pugnant. terror ad hostes transit: et audiverant clara voce dictum, et magna pars Fidenatum, ut qui coloni additi Romanis essent, Latine sciebant. itaque, ne subito ex collibus decursu Albanorum intercluderentur ab oppido, terga vertunt. instat Tullus fusoque Fidenatum cornu in Veientem alieno pavore perculsum ferocior reddit. nec illi tulere impetum, sed ab effusa fuga flumen obiectum ab tergo arcebat. quo postquam fuga inclinavit, alii arma foede iactantes in aquam caeci ruebant, alii, dum cunctantur in ripis, inter

7. citato equo, 'galloping up.'

8. duodecim vovit Salios. These are the Salii of Quirinus, as distinguished from those of Mars, mentioned in c. 20. Servius ad Aen. 8. 285, says that they were in honour of Pallor and Pavor, but as this is mentioned nowhere else, we may, perhaps, conclude that it rests on a misconception of this passage. It is the 'fana' only, not the Salii, that Tullius here vows to Pavor and Pallor.

Pallori ac Pavori. Δεῖμος and Φόβος, closely connected with Mars in Hom. Il. 15. 119.

12. item imperat. The reading of W. (Weidm.) and Madvig. The MSS. have 'idem,' for which Gronovius would read 'eidem.'

equites erigerent. M has 'erigere erigerent iubeat,' with a correction 'iubet'; P has 'equites erigerent iubeat.' There

appears a confusion between two readings, 'hastas equites erigere iubet,' and 'imperat ut hastas equites erigerent.' I have followed Madvig and W.

17. additi Romanis. If the reading is right it must be explained as Gronovius suggests. He refers to 3. I, 7, where it is said, on the sending of a colony to Antium, 'adeo pauci nomina dedere ut ad exemplum numerum coloni Volsci adderentur.' Fidene was a colony, but we are to suppose that when it went to war with Rome the Roman settlers were driven out. The natives would speak Etruscan; but, says Livy, there were many 'coloni additi Romanis,' settlers perhaps from other towns in alliance with Rome, who went with the Roman colony; and of these many understood Latin. With 'ut qui... essent,' cp. 49, 17.

fugae pugnaeque consilium obpressi. non alia ante Romana pugna atrocior fuit.

XXVIII. Tum Albanus exercitus, spectator certaminis, 1 deductus in campos. Mettius Tullo devictos hostes gratulatur, contra Tullus Mettium benigne adloquitur. quod bene vertat, castra Albanos Romanis castris iungere iubet; sacrificium lustrale in diem posterum parat, ubi inluxit, paratis 2 omnibus, ut assolet, vocari ad contionem utrumque exercitum iubet. praecones ab extremo orsi primos excivere Albanos. 10 ii novitate etiam rei moti, ut regem Romanum contionantem audirent, proximi constitere. ex conposito armata circum- 3 datur Romana legio. centurionibus datum negotium erat, ut sine mora imperia exequerentur. tum ita Tullus infit: 'Romani, 4 si umquam ante alias ullo in bello fuit, quod primum dis in- 15 mortalibus gratias ageretis, deinde vestrae ipsorum virtuti, hesternum id proelium fuit. dimicatum est enim non magis cum hostibus quam, quae dimicatio maior atque periculosior est, cum proditione ac perfidia sociorum. nam, ne vos falsa 5 opinio teneat, iniussu meo Albani subiere ad montes, nec 20 imperium illud meum sed consilium et imperii simulatio fuit, ut nec vobis, ignorantibus deseriri vos, averteretur a certamine animus, et hostibus circumveniri se ab tergo ratis terror ac fuga iniceretur. nec ea culpa, quam arguo, omnium Albanorum 6 est: ducem secuti sunt, ut et vos, si quo ego inde agmen decli- 25 nare voluissem, fecissetis. Mettius ille est ductor itineris huius, Mettius idem huius machinator belli, Mettius foederis Romani Albanique ruptor. audeat deinde talia alias, nisi in hunc insigne iam documentum mortalibus dedero.' centuriones armati Mettium 7

3. Tum Albanus. Livy does not tell us what the end of the war with Fidenae and Veii was, and has forgotten it altogether in 30, 7.

5. quod bene vertat. See above, on 8, 15.

8. ut assolet. The form 'assolet' occurs generally in short parenthetical clauses like this, e.g. 'deinde, ut assolet, suffragia' Cic. Phil. 2, 33. 'Cum in hortos Brutii commentandi caussa, ut assolet, venissemus' Lael. 2, 7. Cf. 37. 14. 5.

9. praecones ab extremo orsi, etc. As the heralds began at the further part of the camp, where the Albans were, the

Albans were summoned first. They stood nearest both for this reason and also (etiam) from curiosity to hear a Roman king harangue.

10. ii novitate. Madvig reads 'bi.'

19. nec imperium illud meum. See on 25. 17.

22. ac fuga iniceretur. 'Fuga' is a disposition to flee. W. compares 10. 14, 20 'errorque utilis Romanis oblatus fugae formidinisque Sannites implevit.' 'Terror ac fuga' answer to 'Pallor ac Pavor' above, 27, 7.

28. documentum, 'a lesson.'

circumsistunt. rex cetera ut ortsus erat peragit: 'quod bonum faustum felixque sit populo Romano ac mihi vobisque, Albani, populum omnem Albanum Romam traducere in animo est, civitatem dare plebi, primores in patres legere, unam urbem, unam rem publicam facere. ut ex uno quondam in duos 5 populos divisa Albana res est, sic nunc in unum redeat.' ad haec Albana pubes inermis ab armatis saepa in variis voluntatibus communi tamen metu cogente silentium tenet. tum Tullus 'Metti Fufeti' inquit, 'si ipse discere posses fidem ac foedera servare, vivo tibi ea disciplina a me adhibita esset: 10 nunc, quoniam tuum insanabile ingenium est, at tu tuo suppicio doce humanum genus ea sancta credere, quae a te violata sunt. ut igitur paulo ante animum inter Fidenatem Romanamque rem anticipitem gessisti, ita iam corpus passim distra-15 hendum dabis.' exinde duabus admotis quadrigis in currus 15 earum distentum inligat Mettium, deinde in diversum iter equi concitati lacerum in utroque curru corpus, qua inhaeserant 11 vinculis membra, portantes. avertere omnes ab tanta foeditate spectaculi oculos. primum ultimumque illud supplicium apud Romanos exempli parum memoris legum humanarum fuit. in 20 aliis gloriari licet, nulli gentium mitiores placuisse poenas.

1. XXIX. Inter haec iam praemissi Albani erant equites, qui multitudinem traducerent Romam. legiones deinde ductae ad 2 diruendam urbem. quae ubi intravere portas, non quidem fuit tumultus ille nec pavor, qualis captarum esse urbium solet, 25 cum effractis portis stratis ariete muris aut arce vi capti clamor hostilis et cursus per urbem armatorum omnia ferro

4. patres. See on 30, 24.

urbem . . . rem publicam. *ἄστυ . . . πόλιν*.

7. in variis voluntatibus. See I7, 3.

8. silentium tenet. So 'silentium obtinuit' above, 16, 3. Cicero would write 'agit.' See Kühnast, p. 383.

11. quoniam tuum . . . at tu. Compare 41, 4 'Si tua re subita consilia torrent, at tu mea consilia sequere.'

15. duabus . . . earum. This construction is less common than 'duarum admotarum quadrigarum.' It seems used for clearness.

quadrigis . . . in diversum. Virg. Aen. 8, 642 has almost the same words, 'Haud procul inde citae Mettum in diversa quad-

*rigae* Distulerant.' See Hist. Ex. p. 42.

19. supplicium . . . exempli. One rather expects 'exemplum . . . supplicii.'

20. legum humanarum. Here equivalent to 'humanity.'

22. praemissi. They had been sent beforehand in order to prevent resistance.

24. non quidem fuit tumultus ille nec pavor. W. translates, 'There arose not indeed *that* tumult and panic which,' etc.—making 'ille' refer to 'qualis.' I would suggest that the 'ille' is to be taken as in 25, 12 'nec praeium illud fuit,' and in 28, 5 'nec imperium illud meum,' etc., so that we should render, 'What followed was not indeed tumult and panic, such as,' etc.

flammaque miscet, sed silentium triste ac tacita maestitia ita 3  
 defixit omnium animos, ut praे metu oblii, quid relinquerent,  
 quid secum ferrent, deficiente consilio rogiantesque alii alios  
 nunc in liminibus starent, nunc errabundi domos suas ultimum  
 5 illud visuri pervagarentur. ut vero iam equitum clamor exire 4  
 iubentium instabat, iam fragor tectorum quae diruebantur  
 ultimis urbis partibus audiebatur, pulvisque ex distantibus  
 locis ortus velut nube inducta omnia impleverat, raptim quibus  
 quisque poterat elatis, cum larem ac penates tectaque, in qui-  
 10 bus natus quisque educatusque esset, relinquentes exirent, iam  
 continens agmen migrantium impleverat vias. et conspectus 5  
 aliorum mutua miseratione integrabat lacrimas; vocesque etiam  
 miserabiles exaudiebantur mulierum praecipue, cum obsessa  
 ab armatis templa augusta praeterirent ac velut captos relin-  
 15 querent deos. egressis urbem Albanis Romanus passim publica 6  
 privataque omnia tecta adaequat solo, unaque hora quadrin-  
 gentorum annorum opus, quibus Alba steterat, excidio ac ruinis  
 dedit: templis tamen deum—ita enim edictum ab rege fuerat—  
 temperatum est.

20 XXX. Roma interim crescit Albae ruinis: duplicatur civium 1  
 numerus; Caelius additur urbi mons, et quo frequentius habi-  
 taretur, eam sedem Tullus regiae capit, ibique deinde habitavit.  
 principes Albanorum in patres, ut ea quoque pars rei publicae 2  
 cresceret, legit: Tullios Servilios Quinctios Geganios Curiatios

2. defixit, 'petrified.'

praे metu oblii. Madvig suspects that 'oblii' should be omitted, and 'quid relinquerent,' etc., made dependent on 'deficiente consilio.' 'Prae' expresses a preventive cause.

4. ultimum illud visuri, 'then for the last time.' Similar in construction to 'tum ipsum,' 'at that very time,' Cic. Off. 2. 17, 60; or 'nunc ipsum' Cic. ad Att. 7. 3, 2.

5. iam .. instabat, 'began to press.'

8. quibus quisque poterat. 'Quibus' is attracted into the case of the antecedent. Madvig remarks that this can only take place when the relative is dependent on the same verb (understood) as the antecedent, as here the regular construction would have been 'iis elatis quae q. p. effere.'

12. integrabat . . . exaudiebantur.  
 Much of the beauty of this brilliant pas-

sage lies in the use of the imperfect tense. The 'ex' in 'exaudiebantur' conveys that there was some difficulty in the hearing. Translate, 'began to make themselves heard.'

15. egressis urbem. For the construction, compare 29. 6. 4.

16. quadrungentorum, i.e. 300 years before the foundation of Rome and 100 since.

It is a curious fact, mentioned by Preller, that the inhabitants of Bovilla call themselves on inscriptions Albani Longani Bovillenses.

23. in patres . . legit. By the word 'ordini' which occurs below, we see that Livy intends senators by 'patres,' but he no doubt implies that the number of patrician 'gentes' was increased; only he holds that the 'gentes' became patrician through admission into the senate.

24. Tullios, etc. It is a significant

Cloelios; templumque ordini ab se aucto curiam fecit, quae  
 3 Hostilia usque ad patrum nostrorum aetatem appellata est. et  
 ut omnium ordinum viribus aliquid ex novo populo adiceretur,  
 equitum decem turmas ex Albanis legit, legiones et veteres  
 eodem supplemento explevit et novas scripsit. 5

4 Hac fiducia virium Tullus Sabinis bellum indicit, genti ea  
 tempestate secundum Etruscos opulentissimae viris armisque.  
 utrimque iniuriae factae ac res nequ quam erant repetitae:  
 5 Tullus ad Feroniae fanum mercatu frequenti negotiatores Ro-  
 manos comprehensos querebatur; Sabini suos prius in lucum 10  
 6 confugisse ac Romae retentos. hae causae belli ferebantur.

fact, as showing how obscure and wavering, even in the principal points, were the family traditions of the Romans, that there are two quite distinct accounts of the origin of the most famous of Roman 'gentes,' the Iulii. Dionysius, 3. 29, puts the Iulii for the Tullii in this list, and Tacitus, Ann. II. 24, makes the emperor Claudius say that the Iulii came from Alba. On the other hand, Livy introduces a Iulius in the reign of Romulus. It was, perhaps, the existence of the myth about Proculus Julius that made Livy, or some writer whom he follows, write Tullii for Iulii in this list. That there were patrician Tullii is mentioned by Cicero, Brut. 16.

2. usque ad patrum nostrorum aetatem. After having been rebuilt twice, it was pulled down by Julius Caesar and a temple of Felicitas erected on the site.

3. ordinum. Livy is thinking of the 'equester ordo' of his own time. But this only dated from C. Gracchus.

6. Hac fiducia virium, 'impelled by the confidence in his strength which these measures inspired.' 'Fiducia' is ablative of the motive. Madvig, Gr. § 255. For the use of 'hac,' compare 58. 5 'quo terrore,' i.e. 'by dread of which.' So Virg. Aen. 8. 705 'eo terrore,' 'in dread of that.'

9. ad Feroniae fanum. The worship of Feronia seems to have been widely spread in this part of Italy. Cp. Hor. Sat. I. 5, 24. We are told by Dionysius that Greek writers called her sometimes Persephone, sometimes Ανθηφόρος, Φιλοτέ-φανος, from which it appears that she was a goddess of flowers. This particular market, according to Preller, was at Trebula Mutuesca, where many inscriptions referring to the worship of Feronia have

been found. He distinguishes it from the 'lucus Feroniae' at the foot of Soracte, which Schwegler and others suppose to be here meant.

10. Sabini suos. The story, as it stands, is obscure. Roman traders had been detained by the Sabines; on the other hand, some Sabines had taken sanctuary in a grove, and had been retained at Rome. First, why had these Sabines taken sanctuary? Secondly, what grove is meant? It is evidently a grove at Rome, and we are reminded of the asylum of Romulus, 8. 5. Apparently the Sabines alleged the opening of the asylum by Romulus, and the loss of citizens which it had caused them, as an apology for their own offence. This is the way Dionysius (3. 32) puts it. His words are, ἐγκαλοῦντες καὶ αὐτοὶ Φωμαῖοι ὅτι τοῦ Σαβίνων φυγάδας ὑπεδέχοντο κατασκευάσαντες ἀσυλον ἱερὸν, ὥπερ ἀν ἐν τῷ πρὸ τούτου λόγῳ δεδηλωταί μοι. Livy avoids the word 'asylum' as not strictly Latin. Then, why had the Sabines taken sanctuary? If Livy was referring to what he had said above ('eo ex finitimiis populis turba omnis sine discrimine, liber an servus esset,' etc.), he may have thought it unnecessary to say more. Madvig ingeniously suggests that 'servos' has dropped out either before or after 'suos,' and he has even introduced this into the text. W. agrees with him, and thinks that the passage just quoted from Dionysius confirms the conjecture. But surely it rather overthrows it. φυγάδας is not the same as δραπέρας; it answers to 'exsules,' not to 'fugitivos.' Moreover, Dionysius says expressly that slaves were not received in the asylum. See above on 8, 13.

Sabini, haud parum memores et suarum virium partem Romae ab Tatio locatam et Romanam rem nuper etiam adiectione populi Albani auctam, circumspicere et ipsi externa auxilia. Etruria erat vicina, proximi Etruscorum Veientes, inde ob 7 5 residuas bellorum iras maxime sollicitatis ad defectionem animis voluntarios traxere, et apud vagos quosdam ex inopi plebe etiam merces valuit: publico auxilio nullo adiuti sunt, valuitque apud Veientes—nam de ceteris minus mirum est—pacta cum Romulo indutiarum fides. Cum bellum utrimque 8 10 summa ope pararent, vertique in eo res videretur, utri prius arma inferrent, occupat Tullus in agrum Sabinum transire. pugna atrox ad silvam Malitiosam fuit, ubi et peditum quidem 9 robore, ceterum equitatu aucto nuper plurimum Romana acies valuit. ab equitibus repente invectis turbati ordines sunt Sabi- 10 15 norum; nec pugna deinde illis constare nec fuga explicari sine magna caede potuit.

XXXI. Devictis Sabinis cum in magna gloria magnisque 1 opibus regnum Tulli ac tota res Romana esset, nuntiatum regi patribusque est in monte Albano lapidibus pluvisse. quod 2 20 cum credi vix posset, missis ad id visendum prodigium in conspectu haud aliter, quam cum grandinem venti glomeratam in terras agunt, crebri cecidere caelo lapides. visi etiam audire 3 vocem ingentem ex summi cacuminis luco, ut patrio ritu sacra Albani facerent, quae velut diis quoque simul cum patria re- 25 lictis oblivioni dederant, et aut Romana sacra susceperant aut fortunae, ut fit, obirati cultum reliquerant deum. Romanis 4 quoque ab eodem prodigio novendiale sacrum publice susceptum est, seu voce caelesti ex Albano monte missa—nam id quoque traditur—seu aruspicum monitu: mansit certe sol- 30 lemne, ut, quandoque idem prodigium nuntiaretur, feriae per novem dies agerentur.

Haud ita multo post pestilentia laboratum est. unde cum 5

9. pacta cum Romulo indutiarum fides. Yet Livy has introduced the Veientes at war with Rome in 27.

22. cecidere caelo lapides. 'Caelo' for 'de caelo' is reckoned by Madvig (Lat. Gr. § 275, Obs. 4.) as a poetical usage. It occurs however in a similar passage in 22. I, 9.

audire vocem . . . ut patrio ritu, etc. Supply 'monentem,' and see note on 23, 28.

27. ab eodem prodigio. 'Ab' is in consequence of. So 1, 4 'ab simili clade.'

28. ex Albano monte missa. Cf. 3. 56, 6 'Audita vox una vindicta liberatis ex eo missa ore.'

29. aruspicum. Not augurs, but Etruscan soothsayers.

32. Haud ita. So below, 33, 2. Cicero says 'non ita.'

pigritia militandi oreretur, nulla tamen ab armis quies dabatur a bellico rege, salubriora etiam credente militiae quam domi iuvenum corpora esse, donec ipse quoque longinquo morbo <sup>6</sup> est implicitus. tunc adeo fracti simul cum corpore sunt spiritus illi feroce, ut, qui nihil ante ratus esset minus regium quam sacris dedere animum, repente omnibus magnis parvisque superstitionibus obnoxius degeret, religionibusque etiam <sup>7</sup> populum impletet. vulgo iam homines, eum statum rerum, qui sub Numa rege fuerat, requirentes, unam opem aegris corporibus relictam, si pax veniaque ab diis impetrata esset, crede- <sup>10</sup> bant. ipsum regem tradunt volventem commentarios Numae, cum ibi quaedam occulta sollemnia sacrificia Iovi Elio facta invenisset, operatum iis sacris se abdidisse; sed non rite initum aut curatum id sacrum esse, nec solum nullam ei oblatam caelestium speciem, sed ira Iovis sollicitati prava religione <sup>15</sup> fulmine ictum cum domo conflagrasse. Tullus magna gloria belli regnavit annos duos et triginta.

<sup>1</sup> XXXII. Mortuo Tullo res, ut institutum iam inde ab initio erat, ad patres redierat, hique interregem nominaverant. quo comitia habente Ancum Marcium regem populus creavit; <sup>20</sup> patres fuere auctores. Numae Pompili regis nepos filia ortus <sup>2</sup> Ancus Marcius erat. qui ut regnare coepit, et avitae gloriae memor, et quia proximum regnum, cetera egregium, ab una parte haud satis prosperum fuerat aut neglectis religionibus

3. *iuvenum corpora.* In this and many other passages the notion of youth seems to have disappeared from the word 'iuvens.' It means simply a soldier. Those within the military age were 'iuvenes,' in contrast with the 'senes,' who were excused from service. Cp. 52, 5. Hence the military force of a state is its 'iuvens' and the individual members of it 'iuvenes.' So Virg. Aen. I. 497 'magna iuvenum stipante caterva,' 'attended by a body of guards;' and in Hor. 'fidens iuventus horrida brachiis,' 'a threatening host trusting in their muscles;' and Tac. Hist. I. 68 'Raeticae alae cohortesque et ipsorum Raetorum iuventus,' i. e. 'the native militia of the Raeti as distinguished from the troops quartered among them;' and Livy 3. 18, 4 'Placet ferri auxilium, iuventus conscribitur,' i. e. 'the troops are called out.'

morbo est implicitus. Madvig's correction for 'implicatus.'

7. superstitionibus . . . religionibusque, 'religious terrors . . . religious ceremonies.'

8. impletet. See note on 46. 10.

13. operatum iis sacris, 'busied with these observances.' Cp. 4. 60, 2.

16. conflagrasse. Supply 'eum' from the preceding 'ei.'

With chaps. xxxii-xxxiv. cp. Hist. Ex. pp. 44, 45.

19. interregem nominaverant. 'Prodere' is the more usual expression. On the whole passage, see 17 and 22. On the use of the pluperfect, see on 7. 3.

21. fuere auctores. 'Fuere' for 'facti sunt.'

23. cetera egregium. This phrase occurs again in 35, 6. See Madvig, Lat. Gr. 237 c, Obs. 3.

aut prave cultis, longe antiquissimum ratus sacra publica ut ab Numa instituta erant facere, omnia ea ex commentariis regis pontificem in album elata proponere in publico iubet. inde et civibus otii cupidis et finitimus civitatibus facta spes in 5 avi mores atque instituta regemabitur. igitur Latini, cum 3 quibus Tullo regnante ictum foedus erat, sustulerant animos; et, cum incursionem in agrum Romanum fecissent, repetentibus res Romanis superbe responsum reddunt, desidem Romanum regem inter sacella et aras acturum esse regnum rati. 10 Medium erat in Anco ingenium, et Numae et Romuli memor; 4 et praeterquam quod avi regno magis necessariam fuisse pacem credebat cum in novo tum feroci populo, etiam quod illi contigisset otium, sine iniuria id se haud facile habiturum: temptari patientiam et temptatam contemni, temporaque esse 15 Tullo regi aptiora quam Numae. ut tamen, quoniam Numa 5 in pace religiones instituisset, a se bellicae caerimoniae proderentur, nec gererentur solum sed etiam indicerentur bella aliquo ritu, ius ab antiqua gente Aequiculis, quod nunc fetiales habent, descriptis, quo res repetuntur.

20 Legatus ubi ad fines eorum venit, unde res repetuntur, capite 6

1. longe. So Madvig after Gronovius. The MSS. have 'longique.' 'longe longeque' is an alternative, as Madvig suggests.

2. commentariis regis. Madvig reads 'regiis' after M.

3. in album elata. So Madvig reads after M P. 'Relata' is adopted by Hertz and others. In Cic. de Or. 2. 12, 52 the MSS. have, 'mandabat litteris pontifex maximus efferebatque in album et proponebat tabulam domi,' though editors have introduced 'referebat' here too. Cicero makes the pontiff put up the edict 'domi,' that is, in the 'regia,' we may suppose that Livy means in the 'regia' by 'in publico,' though at this time the 'regia' was the house of the king, not of the pontiff. At a later time we find the pontiffs carefully concealing everything that pertained to religion, 'ut religione obstrictos haberent multitudinis animos' 6, 1, 10. Dionys. 3, 36 has, *τὰς περὶ τῶν λεπῶν συγγραφάς . προσθήναι συνέβη τῷ χρόνῳ*. I suppose *ἐν ἀγορᾷ* may mean in the 'regia,' as the 'regia' was in the forum.

6. ictum foedus erat. This has not

been mentioned before. The treaty seems conceived as annulled by the death of the king. Dionys. 3, 49 says this expressly on occasion of the death of Ancus Marcius.

sustulerant. See 7, 3, and 12, 10. Translate, 'recovered for a while their confidence.'

10. et Numae et Romuli. The emphasis is all on 'Romuli'—'with a touch of Romulus as well as of Numa.'

13. otium, sine iniuria. Madvig reads, 'otium sine iniuria.' In translating, 'otium' must be taken from the relative clause and put with 'id,' and 'credebat' must be supplied before 'habitetur.'

18. ius ab antiqua gente Aequiculis. See Hist. Ex. p. 45.

Livy has already mentioned the fetiales under Tullus (24), and though he carefully avoids positively saying that Ancus introduced them, yet it is scarcely doubtful that the authority from whom he drew this said so, and that Livy has tried to weave together conflicting traditions.

19. quo res repetuntur. For similar examples of fetiales being sent 'ad res repetendas,' see 4, 30, 14; 7, 6, 32; 8, 22, 8; 10, 12, 45.

velato filo—lanae velamen est—‘audi, Iuppiter’ inquit, ‘audite fines’—cuiuscumque gentis sunt nominat,—‘audiat fas! ego sum publicus nuntius populi Romani; iuste pieque legatus 7 venio verbisque meis fides sit.’ peragit deinde postulata. inde Iovem testem facit: ‘si ego iniuste in pieque illos homines il- 5 lasque res dedier mihi exposco, tum patriae compotem me 8 numquam siris esse.’ haec, cum fines suprascandit, haec, qui- cumque ei primus vir obvius fuerit, haec portam ingrediens, haec forum ingressus paucis verbis carminis concipiendique 9 iuris iurandi mutatis peragit. si non deduntur quos exposcit, 10 diebus tribus et triginta—tot enim sollemnes sunt—peractis 10 bellum ita indicit: ‘audi Iuppiter et tu Iane Quirine diique omnes caelestes vosque terrestres vosque inferni audite! ego vos testor populum illum’—quicumque est, nominat—‘iniustum esse, neque ius persolvere. sed de istis rebus in patria maiores 15 natu consulemus, quo pacto ius nostrum adipiscamur.’ cum 11 iis nuntius Romam ad consulendum reddit. confestim rex his ferme verbis patres consulebat: ‘quarum rerum litium caussarum condixit pater patratus populi Romani Quiritium patri patrato Priscorum Latinorum hominibusque Priscis Latinis, 20 quas res nec dederunt nec solverunt nec fecerunt, quas res dari fieri solvi oportuit, dic,’ inquit ei, quem primum sententiam 12 rogabat, ‘quid censes?’ tum ille: ‘puro pioque duello quae- rendas censeo, itaque consentio consiscoque.’ inde ordine alii 25 rogabantur, quandoque pars maior eorum qui aderant in ean- dem sententiam ibat, bellum erat consensum. fieri solitum, ut fetialis hastam ferratam aut [sanguineam] praeustam ad fines

16. cum iis. Madvig reads ‘cum his.’

18. patres consulebat. Here we have a picture of the monarchical senate, consisting of the maiores natu, thence called patres, and consulted, man by man, in a fixed order by the king, as under the republic by the consul.

litium caussarum. This genitive is said to occur in legal formulae, and ‘damni infecti promiserit’ (Cic. Top. 4. 22) is quoted. Madvig thinks this not satisfactory, and conjectures ‘caussa,’ adding, however, ‘etsi difficile est de huiusmodi veteribus verborum formulis iudicium.’ ‘Causam’ has also been conjectured.

19. pater patratus. See above on 24, 26.

22. dari fieri solvi. Madvig writes ‘dari solvi fieri,’ to suit the previous clause.

23. puro pioque duello. According to Ciceron’s maxim (de Off. I. 11), ‘nullum bellum esse iustum nisi quod aut rebus repetitis geratur aut denuntiatum ante sit et indicatum.’

26. consensum. Cp. ‘consensit et senatus bellum,’ 18. 6, 8.

27. [sanguineam]. I have followed Madvig in bracketing this word. He asks how, whether ‘sanguineam’ be taken to mean ‘cruentam’ (which is a poetical use of the word) or blood-coloured, it can be

eorum ferret, et non minus tribus puberibus praesentibus diceret: 'quod populi Priscorum Latinorum hominesque Prisci 13 Latini adversus populum Romanum Quiritium fecerunt deliquerunt, quod populus Romanus Quiritium bellum cum Priscis 5 Latinis iussit esse, senatusque populi Romani Quiritium censuit consensit concivit, ut bellum cum Priscis Latinis fieret, ob eam rem ego populusque Romanus populis Priscorum Latinorum hominibusque Priscis Latinis bellum indicō facio- que.' id ubi dixisset, hastam in fines eorum emittebat. hoc 10 tum modo ab Latinis repetitae res ac bellum indictum; mo- 14 remque eum posteri acceperunt.

XXXIII. Ancus demandata cura sacrorum flaminibus sacer- 1 dotibusque aliis exercitu novo conscripto profectus Politorium urbem Latinorum vi cepit, secutusque morem regum priorum, 15 qui rem Romanam auxerant hostibus in civitatem accipiendis, multitudinem omnem Romam traduxit. et cum circa Pala- 2 tium, sedem veterum Romanorum, Sabini Capitolium atque arcem, Caelium montem Albani in plessent, Aventinum novae

opposed to 'ferratam,' why the spear should be either one or the other; again, if 'sanguineam' and 'praeustum' are to be taken together, what connection there is between the two notions; or if, which is more natural, 'praeustum' belongs both to 'ferratam' and 'sanguineam,' how a spear which is 'ferrata' can be 'praeusta.' That there is some foundation for 'sanguineam' appears from the description of the same ceremony in Amm. Marc. 19. 2, 6, where he mentions 'hastam infectam sanguineam ritu patrio,' as well as from Dio Cassius, 71. 33.

1. non minus tribus. In later times the question rose more than once whether the declaration of war must be made to the opposite king in person or not. Cp. 31. 8; 36. 3.

diceret. This, according to Servius (ad Aen. 9. 53), is the 'clarigatio.' He tells us that when war was declared against Pyrrhus, who was 'transmarinus hostis,' the Romans were driven to the contrivance of forcing a prisoner taken from Pyrrhus to buy ground in the circus into which the spear might be thrown. It is generally thought, however, that 'clarigatio' is rather the previous ceremony of reclaiming property, which suits better Livy's use of the word in 8. 14 'usque ad mille pondo clar-

gatio esset.'

9. id ubi dixisset. The subj. is used here because 'ubi' means 'as often as.' Compare 2. 27, 8. Cicero, Caesar, and Sallust prefer the indicative in these cases. See Madvig, Lat. Gr. § 359.

17. Capitolium atque arcem. Both words signify 'citadel,' but one was applied to the north-eastern, the other to the south-western summit of the hill. The German topographers, whom Mr. Burn follows, make the south-western summit the Capitolium, the Italian school, to which Dr. Dyer belongs, the north-eastern. Perhaps Virgil includes both when he says,

'Hinc ad Tarpeiam sedem et *Capitolia* ducit.'

Compare Cicero, Cat. 4. 9: Ver. 5. 72: Livy 2. 7, 10: 49. 7: 3. 18, 1: 4. 45, 1: 5. 39, 12: 40, 1: 41, 5: 47, 1: 51, 3, etc.

18. Aventinum. Corresponding to the two forms Palatum and Mons Palatinus, Capitolium and Mons Capitolinus, Janiculum and Mons Janiculus, we have Aventinum and Mons Aventinus. Aventinum is rare, but occurs below, § 5 and 3. 67, 11, perhaps also above, 6, 4. We say the Righi more frequently than Mount Righi.

multitudini datum. additi eodem haud ita multo post Tellenis  
 3 Ficanaque captis novi cives. Politorium inde rursus bello re-  
 petitum, quod vacuum occupaverant Prisci Latini. eaque causa  
 diruendae urbis eius fuit Romanis, ne hostium semper recepta-  
 4 colum esset. postremo omni bello Latino Medulliam compulso 5  
 aliquamdiu ibi Marte incerto varia victoria pugnatum est: nam  
 et urbs tuta munitionibus praesidioque firmata valido erat,  
 et castris in aperto positis aliquotiens exercitus Latinus com-  
 5 minus cum Romanis signa contulerat. ad ultimum omnibus  
 copiis conisus Ancus acie primum vincit, inde ingenti praeda 10  
 potens Romam redit, tum quoque multis milibus Latinorum  
 in civitatem acceptis, quibus, ut iungeretur Palatio Aventinum,  
 6 ad Murciae datae sedes. Ianiculum quoque adiectum, non  
 inopia loci, sed ne quando ea arx hostium esset. id non muro  
 solum, sed etiam ob commoditatem itineris ponte Sublicio, 15  
 7 tum primum in Tiberi facto, coniungi urbi placuit. Quiritium

4. receptaculum, 'refuge.' Compare Tac. Germ. 46 'Huc redeunt iuvenes; hoc certum receptaculum.'

he omits when he says that Ancus returned with immense plunder and thousands of Latin captives.

5. omni bello . . compulso. This expression occurs again, 2. 16, 8 'omne Auruncum bellum Pometiam compulsum est.'

13. ad Murciae datae sedes. Between the Aventine and Palatine was the altar of Venus Murcia, which, with those of Venus Cloacina and Venus Libitina, was the oldest altar of Venus in Rome. Preller connects the word with 'mulceo,' and compares it with the epithet 'Mulciber,' given to her husband Vulcanus. He thinks that the word was later corrupted to 'Myrtle,' and that in this way the myrtle became sacred to Venus.

9. ad ultimum. Compare 53, 10; 5. 10, 9.

14. ea arx. That is, 'such a strong position.'

10. primum . . inde ingenti, etc. That is, first wins a battle, then takes the towns, then does as before, and transfers the population to Rome. Madvig thinks that 'deinde urbem vi capit,' or something equivalent, has fallen out after 'vincit.'

15. ponte Sublicio, i. e. 'made with wooden piles.' In Livy's own time it continued to be of wood, though often rebuilt.

'Tum quoque priscorum virgo simulacra virorum

Mittere roboreo scirpea ponte solet.'

Ov. Fast. 5. 622.

16. in Tiberi. So P. and Madvig. The other reading is 'Tiberim.'

Quiritium quoque fossa. This use of 'quoque' seems rather licentious. About this particle the general rule is that it 'always stands after the word to which it belongs, and which contains the new idea that is added, as, 'me quoque haec ars decipit' (Madvig), i. e. 'me as well as some one else.' But here it is not, 'of the Quirites

Livy seems to have found in his authorities an account of the destruction of Medullia by Ancus, then further on an account of its destruction by Tarquinius Priscus (38, 4). He has tried two ways of explaining or slurring over the discrepancy. In 38, 4 he hints that towns which had been conquered by earlier kings had revolted again from Rome, 'Haec de Priscis Latinis aut qui ad Latinos defecerant capti oppida.' But this seems to have been unsatisfactory, because he found it recorded that Medullia had been not merely conquered by Ancus, but destroyed, and its population removed to Rome. He therefore simply omits to state what happened to Medullia when Ancus appeared as a victor before its walls, and thus saves his verbal consistency, though he implies what

quoque fossa, haud parvum munimentum a planioribus aditu locis, Anci regis opus est. ingenti incremento rebus auctis <sup>8</sup> cum in tanta multitudine hominum discriminē recte an perperam facti confuso facinora clandestina fierent, carcer ad <sup>5</sup> terrorem crescentis audaciae media urbe inminens foro aedificatur. nec urbs tantum hoc rege crevit sed etiam ager finesque: silva Mesia Veientibus adempta usque ad mare imperium prolatum, et in ore Tiberis Ostia urbs condita, salinae circa factae; egregieque rebus bello gestis aedis Iovis Feretrii <sup>10</sup> amplificata.

XXXIV. Anco regnante Lucumo, vir impiger ac divitiis <sup>1</sup> potens, Romam commigravit cupidine maxime ac spe magni honoris, cuius adipiscendi Tarquiis—nam ibi quoque peregrina stirpe oriundus erat—facultas non fuerat. Demarati <sup>2</sup> <sup>15</sup> Corinthii filius erat, qui ob seditiones domo profugus cum Tarquiis forte consedisset, uxore ibi ducta duos filios genuit. nomina his Lucumo atque Arruns fuerunt. Lucumo superfuit patri bonorum omnium heres, Arruns prior quam pater moritur uxore gravida relicta. nec diu manet superstes filio <sup>3</sup> <sup>20</sup> pater; qui cum ignorans nurum ventrem ferre immemor in testando nepotis decessisset, puer post avi mortem in nullam sortem bonorum nato ab inopia Egerio inditum nomen.

as well as of some other people,' but the ditch of the Quirites, as well as other works, was Ancus' work. Compare 36, 1. This lax usage begins to be common in Ovid, as, 'Omnia pontus erat; deerant quoque litora ponto.'

3. discriminē recte an perperam facti. For the expression, compare 6, 14, 11 'omisso discriminē vera an vana iaceret,' and above 8, 6.

4. carcer. See Hist. Ex. p. 45.

7. silva Mesia Veientibus adempta. Ablative. Livy spares us the details of these wars. Dionysius (3, 41) is more copious. It is perhaps to the 'silva Mesia' that Cicero (de Rep. 2, 18) refers when he says, 'silvas maritimas omnes publicavit, quas ceperat.' Silva Mesia is mentioned in Pliny.

8. Ostia urbs condita. See above on 15, 10. Festus, s. v., 'Quaeso,' has preserved the lines in which Ennius related this. 'Ostia munita est: idem loca navibus pulcris Munda facit, nautisque mari quae-sentibus' vitam.' Roman 'coloniae' were

generally sent to cities already existing. In this case Ancus founds the city, and sends colonists to it; but Festus, s. v. 'Ostia,' represents the founding of the colony as quite distinct from the building of the town (he notices at the same time that the word is fem. sing., though originally neut. plur. from 'ostium'). 'Ostiam urbem ad exitum Tiberis in mare fluentis' Ancus Martius rex condidisse et feminino appellasse vocabulo fertur. Quod sive ad urbem, sive ad coloniam quae postea condita est refertur' . . . The passage is imperfect.

9. aedis Iovis Feretrii. See c. 10.

19. uxore gravida relicta. 'Relicta' is here a *present* participle. See above on 12, 1. Nägelsbach, Stilistik 260, collects examples of this, of which the most striking is Livy 2, 36, 1 'servum quidam paterfamilias . . . sub furca caesum medio egerat circa,' where 'caesum' means 'in the act of being beaten.' Comp. Cic. Div. 1, 26, 55. On Demaratus, see Hist. Ex. p. 46.

4 Lucumoni contra omnium heredi bonorum cum divitiae iam animos facerent, auxit ducta in matrimonium Tanaquil summo loco nata, et quae haud facile iis, in quibus nata erat, humiliora. 5 sineret ea, quo innupsisset. spernentibus Etruscis Lucumonem exule advena ortum, ferre indignitatem non potuit, oblique 5 ingenitae erga patriam caritatis, dummodo virum honoratum 6 videret, consilium migrandi ab Tarquiniis cepit. Roma est ad id potissimum visa: in novo populo, ubi omnis repentina atque ex virtute nobilitas sit, futurum locum forti ac strenuo viro; regnasse Tatium Sabinum, arcessitum in regnum Nu- 10 mam a Curibus, et Ancum Sabina matre ortum nobilemque 7 una imagine Numae esse. facile persuadet ut cupido honorum, et cui Tarquinii materna tantum patria esset.

8 Sublatis itaque rebus amigrant Romam. ad Ianiculum forte ventum erat, ibi ei carpento sedenti cum uxore aquila sus- 15 pensis demissa leniter alis pilleum aufert, superque carpentum cum magno clangore volitans rursus, velut ministerio divinitus 9 missa, capiti apte reponit, inde sublimis abit. accepisse id augurium laeta dicitur Tanaquil, perita, ut vulgo Etrusci, caelestium prodigiorum mulier. excelsa et alta sperare complexa 20

2. auxit ducta . . Tanaquil. Not, T., whom he married, increased; but, his marriage with T. increased.

4. quo innupsisset. W.'s emendation for 'cum' (M.); he compares 2. 12, 7 'quo temere traxit fortuna facinus, scribant pro rege obruncat.' But P. has 'quae,' which may be right, and which Kühnast seems to prefer (p. 143).

6. ingenitae erga patriam caritatis. The Romans have no single word for patriotism.

8. potissimum visa. It seems impossible to give 'visa est' the sense of 'placuit.' Perhaps we ought to read with Madvig, 'potissima.' The adjective occurs in 5. 12, 12.

repentina . . nobilitas. So the *νεόπλουτος* is called by Cic. Phil. 2. 27, quoting a poet, 'modo egens *repente* dives.'

11. et Ancum, not 'and Ancus;' it is contrary to Latin usage to put the conjunction only with the last term of an enumeration. Translate, 'even Ancus' or 'Ancus himself,' i. e. the reigning king.

12. imagine Numae. In speaking of 'imagines,' Livy writes in the language of a later time, perhaps consciously. It is surely absurd to cite this passage, as Lange does,

(Rom. Alt. 2. § 91), as historical evidence of the existence of the usage of 'imagines' in the time of the kings. Observe that Ancus is regarded as having his mother's 'imagines' as well as his father's. Becker asserts that this was so, and refers to Tac. Ann. 3. 5, and Cic. in Vat. II. But in the first passage he depends on Lipsius' correction of 'Liviorum' for 'Iuliorum,' which is rejected by Ritter and not adopted by Nipperdey. The second passage is rather obscure, and, as Mr. Long says, hardly sufficient to support the conclusion. Livy's words somewhat confirm Becker's view.

14. itaque. Cp. 25. 16 and 26. 19. a migrant. *ἄνας λεγόμενος*: omitted in Forcellini.

15. carpento sedenti. The simple ablative with 'sedeo' occurs again in 41. 6, and 5. 41, 2. 'Carpentum' is a covered cart. The word is used here because the travellers have all their property with them.

16. demissa. Middle, not passive. 'Descending.'

17. clangore, 'cry,' not 'rustling of wings.' Cp. 5. 47, 4, and Cicero's translation of Hom. Il. 2. 316 in De Div. 2. 30, 63.

20. excelsa, 'majestic things.'

virum iubet: eam alitem, ea regione caeli et eius dei nuntiam venisse, circa summum culmen hominis auspicium fecisse, levasse humano superpositum capiti decus, ut divinitus eidem redderet. has spes cogitationesque secum portantes urbem 10 5 ingressi sunt, domicilioque ibi comparato L. Tarquinium Priscum edidere nomen. Romanis conspicuum eum novitas divi-11 tiaeque faciebant, et ipse fortunam benigno adloquio, comitate invitandi beneficiisque quos poterat sibi conciliando adiuvabat, donec in regiam quoque de eo fama perlata est. notitiamque 12 10 eam brevi apud regem liberaliter dextreque obeundo officia in familiaris amicitiae adduxerat iura, ut publicis pariter ac privatis consiliis bello domique interesset, et per omnia expertus postremo tutor etiam libertis regis testamento insti- tueretur.

15 XXXV. Regnavit Ancus annos quattuor et viginti, cui libet 1 superiorum regum belli pacisque et artibus et gloria par. iam filii prope puberem aetatem erant. eo magis Tarquinius in- stare, ut quam primum comitia regi creando fierent; quibus 2

1. eam alitem, ea regione caeli et eius dei nuntiam venisse. Three points are mentioned upon which the augury depended: (1) the bird itself might be lucky or unlucky, e. g. the *bubo*, *spinturnix*, *subis*, were unlucky birds; (2) the quarter in which it appeared might be favourable or unfavourable. This was different with different birds (Cic. de Div. 1. 39, 85 'quid (habet) augur cur a dextra corvus, a sinistra cornix faciat ratum?'); (3) each bird was messenger of some particular god (Serv. ad Aen. 5. 517 'Nulla enim avis caret consecratione, quia singulæ aves numinibus sunt consecratae'), e. g. the *picus* was sacred to Mars, and the *eagle*, as here, to Juppiter. Note further, that the word 'alitem' is used. Birds were 'alites' or 'oscines', according as they gave augury by their flight or voice. This was an augury by flight. On the whole subject, see Becker and Marquardt, Alt. 4. 359.

3. humano. This does not answer very well to *divinitus*. Wex proposes 'humana manu.' If we are to alter anything it would be better to read 'humane.'

10. dextreque. Madvig and W. (Weidm.) 'dextereque.' This uncommon adverb is used in Horace—

'Nemo dexterius fortuna est usus.'  
Translate, 'adroitly.'

12. bello domique. With 'domi' usually stands either 'belli' or 'in bello.' Cic. Brut. 73. 256. 'Domi beloque' occurs in 9, 26, 21, and Madvig does not alter it, though here he reads 'belli.'

expertus. Used passively, though the verb is deponent. See above 17, 3, and cp. 24, 6.

13. testamento. According to the principle afterwards laid down in the Twelve Tables, 'Pater-familias uti de pecunia tutelave rei suae legassit ius esto.' But though the power of willing existed very early at Rome, it seems surprising—but this is a question for jurists—that it should have been used to put the 'tutela' into the hands of a stranger, unconnected with the gens *Marcia*.

With chaps. xxxv–xxxix. cp. Hist. Ex. pp. 45–47.

16. iam filii, that is, at the time of his death, which is not distinctly mentioned. Dionysius also has nothing to tell about the manner of the death of Ancus (3. 46).

18. comitia regi creando. Nothing is here said of the 'interrex,' as in 32, 1; 22, 1; and 17, 7. Observe also that here, as everywhere, Livy supposes the plebs to have a share in the election, though the 'comitia' must have been 'curiata.'

indictis sub tempus pueros venatum ablegavit. isque primus et petisse ambitiose regnum et orationem dicitur habuisse ad 3 conciliandos plebis animos compositam. cum se non rem novam petere, quippe qui non primus, quod quispiam indignari mirarive posset, sed tertius Romae peregrinus regnum adfectet; 5 et Tatium non ex peregrino solum sed etiam ex hoste regem factum, et Numam ignarum urbis non petentem in regnum 4 ulro accitum: se, ex quo sui potens fuerit, Romam cum coniuge ac fortunis omnibus commigrasse; maiorem partem aetatis eius, qua civilibus officiis fungantur homines, Romae 10. 5 se quam in vetere patria vixisse; domi militiaeque sub haud paenitendo magistro, ipso Anco rege, Romana se iura, Romanos ritus didicisse; obsequio et observantia in regem cum omnibus, benignitate erga alios cum rege ipso certasse:—haec eum haud falsa memorantem ingenti consensu populus Roma- 15 nus regnare iussit. Ergo virum cetera egregium secuta, quam 6 in petendo habuerat, etiam regnantem ambitio est; nec minus regni sui firmandi quam augendae rei publicae memor centum in patres legit. qui deinde minorum gentium sunt appellati, factio haud dubia regis, cuius beneficio in curiam vene- 20 7 rant. bellum primum cum Latinis gessit, et oppidum ibi Apolas vi cepit, praedaque inde maiore, quam quanta belli fama fuerat, revecta ludos opulentius instructiusque quam

I. *ablegavit*. This word is used of clearing out of the way a hindrance or annoyance. So

‘Aliquo mihi est

*Hinc ablegandus*’

Ter. Hec. 3. 3. 54;

‘Mercis ablegandae Tiberim ultra’

Juv. 14. 201.

2. *petisse ambitiose*. He was the first who ‘canvassed’ for royalty. ‘Petuisse,’ according to Madvig (Lat. Gr. 113. b) is the right form, and ‘petisse’ is poetical.

3. *cum se non*. Cp. 48, 2.

4. *quod quispiam indignari*. So Madvig; ‘quisquam’ MSS. ‘Quisquam’ is ‘any single person.’ It is evidently out of place here. The passages by which W. defends it are not parallel. 25. 6, 17 ‘commisimus ut quisquam ex Cannensi acie miles Romanus superesset,’ means, ‘It is due to us that a single Roman soldier survived.’ Cic. de Nat.

D. 2. 37, 93 ‘ego non mirer esse quemquam qui sibi persuadeat?’ etc. means, ‘Am I not to wonder that there should

be a single person who,’ etc. Kühnast adds a long list of examples, but none seem to resemble the one before us. Madvig also corrects ‘posset’ to ‘possit.’

II. *haud paenitendo magistro*. A very sufficient teacher. See above 8. 15. The gerundive seems to imply a personal ‘paenitere.’ W. compares 40. 56, 3.

12. *iura . . . ritus*. Institutions civil and religious.

14. *haec . . . memorantem*. Not merely ‘saying these things,’ but ‘stating these facts.’

16. *cetera egregium*. See 32, 2.

18. *centum in patres legit*. This passage is consistent with 8, 7. Livy does not say that Tarquin created new patrician gentes, which were then represented in the senate, but that he created new senators, whose families in consequence became patrician.

20. *factio haud dubia regis*, ‘uncompromising supporters of the king.’

23. *revecta*, ‘brought back in vehicles.’

priores reges fecit. tunc primum circo, qui nunc maximus s dicitur, designatus locus est. loca divisa patribus equitibusque, ubi spectacula sibi quisque faceret, fori appellati. spectavere 9 furcis duodenos ab terra spectacula alta sustinentibus pedes. 5 ludicrum fuit equi pugilesque ex Etruria maxime acciti. sol- 10 lemnes, deinde annui mansere ludi, Romani magnique varie appellati. ab eodem rege et circa forum privatis aedificanda divisa sunt loca, porticus tabernaeque factae.

XXXVI. Muro quoque lapideo circumdare urbem parabat, 1 10 cum Sabinum bellum coepitis intervenit. adeoque ea subita res fuit, ut prius Anienem transirent hostes, quam obviam ire ac prohibere exercitus Romanus posset. itaque trepidatum Romae est. et primo dubia victoria magna utrimque caede 2 pugnatum est. reductis deinde in castra hostium copiis dato- 15 que spatio Romanis ad comparandum de integro bellum,

The plunder being that of a town consisted of furniture, statues, etc. Compare 3. 70, 6 'conficerent equos virosque, ne quis neveretur inde ad praelium,' i. e. ride back.

ludos. The 'Consualia' have been mentioned above; according to Tert. de Spect. 5, the Equiria on Feb. 27 and March 14 were instituted by Romulus. W. says that Livy does not here attribute the introduction of the 'ludi Romani' to Tarquin, but assumes them to have been celebrated before, only with less splendour. It seems to me more natural to understand that the games celebrated by the earlier kings were different from the 'ludi Romani,' particularly as Cicero says expressly that Tarquin was said to have introduced these—'eundem primum ludos maximos, qui Romani dicti sunt, fecisse accepimus.' De Rep. 2. 20, 36.

1. circo. Between the Palatine and Aventine.

2. loca divisa, etc. That is, spots were assigned to the senators and knights where they might build 'stands' for themselves: 'fori,' 'benches.' On 'spectacula,' compare Cic. pro Mur. 34 'At spectacula sunt tributim data.'

4. furcis, wooden props branching out at the top.

Dionysius (3. 68) says that Tarquin was the first to give the spectators roofed seats, and that before they had stood on wooden benches raised on wooden platforms. It would seem that he and Livy are drawing from the same source, but understand their

authority differently.

5. ex Etruria. Tacitus, Ann. 14. 21, says that horse-racing came from Thurii, sollemnes, deinde annui. Madvig omits comma, saying that 'sollemnes' and 'annui' are not opposed to each other. If so, 'annui' seems superfluous. Mommsen (Röm. Gesch. 1. 222) represents the games as frequently repeated, but still extraordinary festivals of thanksgiving. Thus we might suppose 'ludi sollemnes' to stand between 'ludi votivi' (performed only once) and 'ludi annui.' But I find no parallel instance. Op. 25. 12; 26. 23.

6. Romani magnique varie appellati. And yet we find that Livy by 'ludi magni' invariably means not the 'ludi Romani,' but special 'ludi votivi.' See Ritschl's Parerga, p. 290. He refers to the following passages: 4. 27, 1; 5. 19, 6; 31, 2; 7. 11, 4; 30. 27; 31. 9; 35; 49; 34. 44; 35. 1; 36. 2; 36; 39. 5; 22; 40. 44. For the 'ludi Romani,' also called 'ludi maximi,' see 6. 42, 12; 8. 40, 2; 10. 47, 3.

7. aedificanda . . . loca, 'lots for building on.' I do not find a parallel to this construction in any better writer than Suetonius. He writes (Vesp. 8), 'vacuas areas occupare et aedificare, si possessores cessarent, cuiuscunque permisit.'

9. Muro quoque. See on 33, 16.

11. transirent, 'were crossing,' I suppose; 'crossed' would be 'transierint.' But cp. 51. 9.

Tarquinius, equitem maxime suis deesse viribus ratus, ad Ramnes Titienses Luceres, quas centurias Romulus scripserat, addere alias constituit, suoque insignes relinquere nomine. id quia inaugurate Romulus fecerat, negare Attus Navius, inclitus ea tempestate augur, neque mutari neque novum constitui, nisi 5 aves addixissent, posse. ex eo ira regi mota, eludensque artem, ut ferunt, 'age dum,' inquit, 'divine tu, inaugura, fierine possit, quod nunc ego mente concipio.' cum ille augurio rem expertus profecto futuram dixisset, 'atqui hoc animo agitavi,' inquit, 'te novacula cotem discissurum: cape haec et per- 10 age, quod aves tuae fieri posse portendunt.' tum illum haud 5 cunctanter discidisse cotem ferunt. statua Atti capite velato, quo in loco res acta est, in comitio, in gradibus ipsis ad laevam curiae fuit, cotem quoque eodem loco sitam fuisse memo- 6 rant, ut esset ad posteros miraculi eius monumentum. auguriis 15 certe sacerdotioque augurum tantus honos accessit, ut nihil belli domique postea nisi auspicato gereretur, concilia populi, exercitus vocati, summa rerum, ubi aves non admisissent, 7 dirimerentur. neque tum Tarquinius de equitum centuriis

4. Attus Navius. An account of this augur is given in Cic. Div. I. 17.

6. addixissent. The technical word. We find 'admittere' in the same sense, below, 6; 55. 12; 4. 18, 7. The opposite words are 'abdicere' Cic. Div. I. 17; 'occidere' Livy 6. 41, 8; 10. 40, 14. 'eludensque artem.' 'Eludere' occurs in this sense in 2. 45, 6; 7. 13, 6: and in Cic. Cat. I. 1. It means, to 'laugh to scorn.'

7. age dum. 'Dum' emphasises imperatives, and in the older Latin some superlatives, as 'primum dum' (Plaut. Trin. 98). It answers to *δῆ*.

divine. 'Divinus,' as an adjective, gets the sense of 'predictive.' Cic. Div. I. 38 has 'habere aliquid in animis praesagiens atque divinum.' And Horace,

'Imbrium divina avis imminentum,' imitated by Milton,

'Adam, whose heart, divine of something ill.'

Then as a substantive it is used for a 'soothsayer.' So Hor. Sat. I. 6, 113.

inaugura generally takes a case. It is here simply equivalent to 'divina.'

8. augurio. MSS. have 'in augurio.' The 'in' may have crept in from 'inaugura' above. It is not defended by 'in

minori te re experti sumus' 24. 8, 13, which W. quotes, nor by Horace's

'Expertus fidelem

Luppiter in Ganymede flavo.'

9. futuram. Note that this word is here used as a participle of 'fio.'

14. sitam, 'buried.' Cicero, in telling this story (Div. I. 87), says 'defossam.'

15. ad posteros. W. refers to 2. 10, 11.

16. certe. Whether this story be true or not.

18. exercitus vocati. This refers to the 'comitia centuriata.' For the summoning of this assembly the regular phrase was 'viros vocare' (Cic. de Nat. D. 2. 3, 9), or in old Latin, 'illicium vocare' (Varro, de L. L. 6. 9, § 86). But the assembly itself was called 'exercitus urbanus,' or simply 'exercitus.' See Livy 39. 15, 11 'cum aut vexillo in arce positio comitiorum caussa exercitus eductus esset.'

summa rerum, 'matters of the highest importance.' Cp. 'subita rerum,' 9. 43, 4; 'pretiosissima rerum,' 28. 22, 6; and see Kühnast, p. 78. The usage is said not to occur in Cicero or Caesar. Lucretius (I. 66) has 'prima virorum.'

19. neque tum, 'and even at the time (augury had so much influence that) Tar-

quicquam mutavit, numero alterum tantum adiecit, ut mille et octingenti equites in tribus centuriis essent. posteriores modo 8 sub isdem nominibus qui additi erant appellati sunt, quas nunc, quia geminatae sunt, sex vocant centurias.

5 XXXVII. Hac parte copiarum aucta iterum cum Sabinis 1 confligitur. sed praeterquam quod viribus creverat Romanus exercitus, ex occulto etiam additur dolus, missis qui magnam vim lignorum in Anienis ripa iacentem ardentem in flumen conicerent; ventoque iuvante accensa ligna, et pleraque in 10 ratibus impacta sublicis cum haererent pontem incendunt. ea 2 quoque res in pugna terrorem attulit Sabinis, et fusis eadem fugam impediit, multique mortales, cum hostem effugissent, in flumine ipso periere; quorum fluitantia arma ad urbem cognita in Tiberi prius paene, quam nuntiari posset, insignem 15 victoriam fecere. Eo proelio praecipua equitum gloria fuit: 3 utrimque ab cornibus positos, cum iam pelleretur media pedi- tum suorum acies, ita incurrisse ab lateribus ferunt, ut non sisterent modo Sabinas legiones ferociter instantes cedentibus, sed subito in fugam averterent. montes effuso cursu Sabini 4

quin,' etc. On the historical statement here made see Hist. Ex. p. 81.

5. iterum . . confligitur. In translating the impersonal passive of neuter verbs it is well to avoid using a personal subject. Translate, 'there was a second collision with.'

7. ex occulto additur dolus. This is the *μακραλογία* which was remarked as characteristic of Livy. The words 'ex occulto' are purely superfluous. Compare Quintilian's example (Inst. Or. 8. 3, 53), 'legati non impetrata pace retro domum, unde venerant, redierunt,' where 'retro' and 'unde venerant' are superfluous.

9. pleraque in ratibus impacta. It seems impossible that the text here can be sound, though none of the recent editors attempt to mend it. Livy has abridged the story so much that if we could not compare it with Dionysius (3. 55), we should not understand it. For instance, he introduces a bridge suddenly without saying what bridge he means. Dionysius tells us that the Sabines and Etruscans were in alliance, and that they pitched two camps with the river between them. The bridge was built to connect them, and Tarquin burnt it to divide them. He says the bridge was γέφυρα *ξυλόφρακτος σκάφαις* *ἀνεχο-*

*μένη καὶ σχέδιας.* We know from Dion. 5. 24, that *ξυλόφρακτος* is the Greek for 'sublicius.' W. translates, 'when most of them, being on rafts, drove against the piles and stuck there,' and supposes that Livy inserts 'in ratibus' to explain why they were not extinguished by being thrown into the water, but he admits that the expression is not clear. It is, however, true that Dionysius says the timber was put into rafts. J. F. Gronovius suggested 'ratibus impacta sublicisque cum,' etc. supposing the bridge to be partly of boats, partly supported on piles. He has not remarked that his supposition is expressly confirmed by the words of Dionysius quoted above, which seem to be taken from the same authority as Livy's account.

10. ea quoque res. Perhaps, 'this incident, as well as the great force of the Romans,' referring back to 'praeterquam quod viribus,' etc.

11. et fusis. The MSS. have 'effusis.' The younger Gronovius made the correction, which has been received by Madvig, and seems right. 'Fusis,' after the rout, is opposed to 'in pugna.'

12. impediit. So Madvig for 'im- pedit.'

14. insignem, 'palpable.'

petebant; et pauci tenuere, maxima pars, ut ante dictum 5 est, ab equitibus in flumen acti sunt. Tarquinius instandum perterritis ratus, praeda captivisque Romam missis, spoliis hostium—id votum Vulcano erat—ingenti cumulo accensis 6 pergit porro in agrum Sabinum exercitum inducere; et quam- quam male gesta res erat, nec gesturos melius sperare pote- 10 rant, tamen, quia consulendi res non dabat spatium, iere obviam Sabini tumultuorio milite; iterumque ibi fusi per- ditis iam prope rebus pacem petiere.

1. XXXVIII. Collatia et quidquid citra Collatiam agri erat 10 Sabinis ademptum; Egerius—fratris hic filius erat regis— 2 Collatiae in praesidio relictus. deditosque Collatinos ita ac- cipio eamque deditonis formulam esse: rex interrogavit ‘est- 15 isne vos legati oratoresque missi a populo Conlatino, ut vos populumque Conlatinum dederetis?’ ‘sumus.’ ‘estne populus Conlatinus in sua potestate?’ ‘est.’ ‘deditisne vos populum- que Conlatinum, urbem agros aquam terminos delubra uten- silia, divina humanaque omnia in meam populique Romani 20 dicionem?’ ‘deditus.’ ‘at ego recipio.’ Bello Sabino perfecto 25 4 Tarquinius triumphans Romam redit. inde Priscis Latinis bellum fecit. ubi nusquam ad universae rei dimicationem ventum est; ad singula oppida circumferendo arma omne nomen Latinum domuit. Corniculum, Ficulea vetus, Cameria, Crustumerium, Ameriola, Medullia, Nomentum, haec de Pri- scis Latinis aut qui ad Latinos defecerant capta oppida. pax 25 deinde est facta.

3. spoliis hostium .. accensis. So Virg. Aen. 8. 562

‘Scutorunque incendi victor acervos.’ In 45. 33, 1 we find mentioned ‘deos qui- bus spolia hostium dicare ius fasque est.’ That of these gods Vulcanus was one of the chief we gather from 8. 10, 13 ‘Vol- cano arma sive cui alii divo vovere volet,’ etc. Compare 23. 46, 6; 30. 6, 9; 41. 12, 6.

6. gesta res erat. So Madvig, after P., for ‘gestae res erant.’

gesturos. See above, 9, 18.

11. Egerius. See above, 34, 3; below, 57, 6.

fratris hic filius erat regis, ‘he was nephew to the king.’ ‘Fratris filius’ and ‘sororis filius’ are the words for ‘nephew,’ the genitive regularly standing first, and the genitive dependent on that following

both words. In old English it was ‘sister’s son to,’ etc. as in the Authorised Version.

14. oratoresque. See above, 15, 5.

17. delubra. We read in Macr. Sat. 3. 9, 2 and 7 of the practice of inviting the gods of a city about to be taken to leave it and migrate to the city of the conquerors (‘evocatio deorum’). After the capture the ‘sacra’ were generally transferred to Rome. In 8. 14, 2 see an instance of the ‘sacra’ being restored.

20. Priscis Latinis bellum fecit. For the phrase, compare Cic. Cat. 3. 9 ‘gens una restat quae Populo Romano bellum facere et posse et non nolle videatur,’ and Cic. Mil. 23 ‘bellum patriae faciet.’

21. dimicationem. For the phrase, cp. 2. 56, 5; 8. 29, 10; 22. 32, 2.

24. Medullia. See on 33, 10.

Maiore inde animo pacis opera inchoata quam quanta mole 5 gesserat bella, ut non quietior populus domi esset, quam militiae fuisset: nam et muro lapideo, cuius exordium operis 6 Sabino bello turbatum erat, urbem, qua nondum munierat, 5 cingere parat: et infima urbis loca circa forum aliasque interiectas collibus convales, quia ex planis locis haud facile evehebant aquas, cloacis fastigio in Tiberim ductis siccata; et 7 aream ad aedem in Capitolio Iovis, quam voverat bello Sabino, iam praesagiente animo futuram olim amplitudinem loci 10 cupat fundamentis.

XXXIX. Eo tempore in regia prodigium visum, eventu- 1 que mirabile fuit: puer dormienti, cui Servio Tullio fuit nomen, caput arsisse ferunt multorum in conspectu. plurimo 2 igitur clamore inde ad tantae rei miraculum orto excitos 15 reges, et, cum quidam familiarium aquam ad restingendum ferret, ab regina retentum, sedatoque eam tumultu moveri vetuisse puerum, donec sua sponte expperrectus esset. mox 3 cum somno et flammam abisse. tum abducto in secretum viro Tanaquil 'viden tu puerum hunc,' inquit, 'quem tam

4. munierat. Wex conjectures 'mu-  
nita erat,' and Madvig thinks the conjecture  
probable. 'Munierat,' however, gives a  
sense, namely, that he had begun the work  
when the war interrupted him, and that he  
took it up where it had been left.

7. fastigio. This passage is wrongly explained in Andrew's Dictionary, and the wrong reading, 'e fastigio,' adopted after Forc., who however gives the true reading and explanation as well. 'Fastigio' means 'along a regular slope,' 'at an angle:' it is opposed to 'ex planis locis.' The first meaning of 'fastigium' seems to be 'elevation,' but as this may be measured angularly, it gets the secondary meaning of 'angle.' So in Caes. B. C. I. 45 we have 'declivis locus tenui fastigio,' and in B. G. 4. 17, 4 'non directe ad perpendi-  
culum sed prone ac fastigate.'

8. area is the regular word for a 'site.' See 3. 16, 1.

ad aedem. The dative is more usual in this sense, but see 2. 31, 3.

With chaps. xxxix-xlv. cp. Hist. Ex. PP. 47, 48.

11. visum, eventuque. Madvig reads 'visu eventuque,' and denies that 'visum' can be written for 'visum est' when it is coupled to 'mirabile fuit.' W. objects to

Madvig's reading that the 'prodigium' was not 'at the time' wonderful in the event. But probably 'visu eventuque mirabile' conveyed to a Roman 'as marvellous in the appearance as it proved in the event,' nor does 'eo tempore' refer to 'mirabile,' but to 'fuit,' 'at that time took place,' etc.

15. reges, 'the royal family.' Compare 2. 3. 5 'legati ab regibus supervenient,' and Virg. Aen. 2. 457.

familiarium. This would seem to mean 'slaves,' though perhaps it is not necessary to give it that meaning, and in 2. 40, 4 'familiarium quidam' may well be taken in the ordinary sense. Seneca (Ep. 5. 6, 4) says that this was an old use of the word, and was still retained in mimes. We find it in Plautus, e.g. Mil. Glor. 278 'quantumst familiarium,' 'all of us slaves,' though even in Plautus it seems generally put into the mouth of slaves speaking of their fellow-slaves. See Ep. 1. 1, 2; Amph. 1. 1, 203.

restinguendum, used absolutely.

16. sedatoque eam. So Madvig for 'sedatoque iam.' It seems impossible to dispense with the subject.

19. tam humili cultu, 'in such humble style.' Below we have 'artibus quibus ingenia ad magnae fortunae cultum exci-

humili cultu educamus? scire licet hunc lumen quandam rebus nostris dubiis futurum praesidiumque regiae afflictæ: proinde materiam ingentis publice privatimque decoris omni 4 indulgentia nostra nutriamus.' inde puerum liberum loco coeptum haberi eruditique artibus, quibus ingenia ad magnæ 5 fortunæ cultum excitantur. evenit facile, quod diis cordi est. iuvenis evasit vere indolis regiae, nec, cum quaereretur gener Tarquinio, quisquam Romanae iuventutis ulla arte con- ferri potuit, filiamque ei suam rex despondit.

5 Hic quacumque de causa tantus illi honos habitus credere 10 prohibet serva natum eum parvumque ipsum servisse. eorum magis sententiae sum, qui Corniculo capto Servi Tulli, qui princeps in illa urbe fuerat, gravidam viro occiso uxorem, cum inter reliquas captivas cognita esset, ob unicam nobilitatem ab regina Romana prohibitam ferunt servitio partum 15 6 Romae edidisse Prisci Tarquini domo. inde tanto beneficio et inter mulieres familiaritatem auctam, et puerum, ut in domo a parvo eductum, in caritate atque honore fuisse; for- tunam matris, quod capta patria in hostium manus venerit, ut serva natus crederetur fecisse. 20

1 XL. Duodequadragesimo ferme anno, ex quo regnare cooperat Tarquinius, non apud regem modo sed apud patres plebemque longe maximo honore Servius Tullius erat. tum Anci filii duo, etsi antea semper pro indignissimo habuerant 2 se patrio regno tutoris fraude pulsos, regnare Romae adve- 25 nam non modo vicinae sed ne Italicae quidem stirpis, tum

tantur,' where 'cultum' seems to mean 'pursuit.'

2. rebus nostris dubiis. See 2. 50, 11.  
3. proinde. See on 9, 11.

ingentis publice privatimque de- coris. The adverbs are used adjectively. As examples of this, W. refers to 2. 23, 11; 44, 12; 8. 1, 9. Add 1. 45, 2.

4. liberum loco. Livy prefers the abbreviated form of this word. See 9, 15; 13, 2; 42, 1.

5. coeptum. The passive is used with a passive infinitive. So also 'desitum.'

6. quod diis cordi est. This is Madvig's reading for 'eset.' 'Evenit' is present, and the sentence contains a general maxim. A subjunctive mood seems quite inadmissible.

14. cognita eset, i.e. known for what she was. Compare 6, 1.

15. servitio. The simple ablative with 'prohibere' occurs also in 25. 15, 3 and 31. 25, 5; 'prohibere ab' is found in 23. 11, 3, but this passage is a quotation.

16. domo. Compare this with 'in- domo' just below. The one is equivalent to a preposition, the French *chez*, the other is *dans la maison*. Madvig corrects 'domi,' but in 31. 12, 6 we have 'templo' used locatively, which he allows to pass.

17. ut . . . eductum, 'brought up as he was.' Compare 34. 7.

21. ferme, 'about.' See 3, 4.

26. non modo vicinae sed, etc. The phrase is almost repeated in 5. 3, 11. Compare 2. 61, 5; 3. 24, 4. 'Non modo,' = 'I do not say.' Hertz reads 'civicae' for 'vicinae,' after J. F. Gronovius.

tum impensius iis indignitas cre- scere. An anacoluthon.

impensis iis indignitas crescere, si ne ab Tarquinio quidem ad se rediret regnum, sed praeceps inde porro ad servitia 3 caderet, ut in eadem civitate post centesimum fere annum quod Romulus, deo prognatus, deus ipse, tenuerit regnum, 5 donec in terris fuerit, id Servius, serva natus, possideat. cum commune Romani nominis tum praecipue id domus suae dedecus fore, si Anci regis virili stirpe salva non modo ad- 10 venis sed servis etiam regnum Romae pateret. ferro igitur 4 eam arcere contumeliam statuunt. sed et iniuriae dolor in 15 Tarquinium ipsum magis quam in Servium eos stimulabat, et quia gravior ulti caedis, si superesset, rex futurus erat quam privatus; tum Servio occiso quemcumque alium gene- 20 rum delegisset, eundem regni heredem facturus videbatur:— ob haec ipsi regi insidiae parantur. ex pastoribus duo fe- 5 rociissimi delecti ad facinus, quibus consueti erant uterque agrestibus ferramentis, in vestibulo regiae quam potuere tu- multuosissime specie rixae in se omnes apparatores regios convertunt. inde, cum ambo regem appellarent clamorque eorum penitus in regiam pervenisset, vocati ad regem pergunt. 25 primo uterque vociferari et certatim alter alteri obstrepere. 6 coerciti ab lictore et iussi in vicem dicere tandem obloqui

1. indignitas. Here 'indignation.' So 5. 45, 6. 'Inde primum miseratio sui, deinde indignitas atque ex ea ira animos cepit.' See below, 59, II.

2. ad servitia caderet. Livy forgets that he has just denied that Servius was a slave.

3. annum quod Romulus. 'Quod' is Madvig's emendation for 'quam.' Livy could not say, 'a hundred years after R., held the kingdom *while he was on earth*.' The 'id' too which follows seems to require 'quod.' Hertz has adopted this emendation, W. not.

5. Servius, serva natus. Madvig very plausibly corrects 'servus serva natus.' It seems possible however that to Livy the significant proper name seemed equivalent to the epithet, and the name of Romulus had been mentioned above.

9. et iniuriae dol... et quia... tum Servio, etc. Three reasons for killing Tarquin, not Servius. (1) Tarquin was the offending party; (2) he would punish the death of Servius; (3) he would remedy it by procuring another son-in-law. (Tarquin's sons are forgotten. See 46, 4.)

These three reasons would naturally be introduced by 'et iniuriae dol... et quia... denique quod;' they are loosely introduced as above. The confusion produced is then remedied by the addition of 'ob haec ipsi,' etc. There seems no reason for omitting 'quia' with Gronovius and Madvig, nor for altering it to 'cum' with Sauppe.

15. quibus consueti erant. 'Iis' is omitted before 'quibus,' though it is in a different case. This happens when the substantive is drawn into the relative clause, as 'ferramentis' here. See I. I, 3 'in quem primum egressi sunt locum Troia vocatur.' A dative after 'consueti' does not seem to occur elsewhere in Livy. Forc. quotes from Col. (I. 8) 'Genus municiporum consuetum campo.' 'Uterque' occurs with a plural in Caes. B. C. 3. 30. In 7. 19, 2 we have, 'Delecti nobilissimus quisque.' This 'uterque' suggests that they were armed with different weapons. Dionysius however represents them as both armed δρεπάνοις ἔλαυργοις. (3. 73.)

16. tumultuosissime. Madvig proposes 'tumultuosissimae.'

7 desistunt; unus rem ex composito orditur. dum intentus in eum se rex totus averteret, alter elatam securim in caput deiecit, relictoque in vulnere telo ambo se foras eiciunt.

1 XLI. Tarquinium moribundum cum qui circa erant exce-  
2 pisset, illos fugientes lictores comprehendunt. clamor inde 5  
3 concursusque populi mirantium, quid rei esset. Tanaquil inter  
4 tumultum claudi regiam iubet, arbitros eiecit; simul quae  
5 curando vulneri opus sunt, tamquam spes subeset, sedulo  
6 comparat, simul, si destituat spes, alia praesidia molitur. Servio  
7 propere accito cum paene exsanguem virum ostendisset, dex- 10  
8 tram tenens orat, ne inultam mortem soceri, ne socrum ini-  
9 micis ludibrio esse sinat. 'tuum est' inquit, 'Servi, si vir es,  
10 regnum, non eorum, qui alienis manibus pessimum facinus  
11 fecere. erige te deosque duces sequere, qui clarum hoc fore  
12 caput divino quondam circumfuso igni portenderunt. nunc te 15  
13 illa caelestis excitet flamma, nunc expurgiscere vere. et nos  
14 peregrini regnavimus. qui sis, non unde natus sis, reputa.  
15 4 si tua re subita consilia torpant, at tu mea sequere.' cum  
16 clamor impetusque multitudinis vix sustineri posset, ex supe-  
17 riore parte aedium per fenestras in novam viam versus— 20  
18 habitabat enim rex ad Iovis Statoris—populum Tanaquil ad-  
19 loquitur. iubet bono animo esse: sopitum fuisse regem subito

1. dum intentus... averteret. Madvig, after Gronovius, 'cum.' W. defends the imperfect by reference to 2. 47, 5; 10. 18, 1; 39. 49, 8.

2. se... totus averteret. Translate, 'was absorbed in attention to him.' The 'a' in 'averto' has no object. See 12, 10; 6. 23, 8, and for a close parallel, 28. 6, 4 'cum omnium animos oculosque id certamen avertisset, porta maritimae arcis Plato Romanos accepit.'

Hertz regards 'deiecit' as a present, referring to Lachmann on *Lucr.* 2. 951, where it is shown that the present was written either 'deicit' or 'deiecit.' But the repetition of 'iacere' ('deiecit... eiciunt') becomes disagreeable if the tense also is the same.

deiecit, 'brought *heavily* down.' Compare 7. 10, 9.

6. populi mirantium. Madvig omits 'populi,' and says Livy could not put it with 'mirantium.' But he admits 'ingens turba circumfusi fremebant' in 26. 35, 7, and he seems to admit the principle

in Lat. Gr. § 215 a. 'Populus' is not here 'the state,' as when we say, 'populus iubet,' but 'the public.' Yet even 'populus,' 'the state,' is put with a plural adjective in 2. 2, 5.

7. eiecit. This seems to be really a present. See above, 40, 7.

9. si destituat spes. Compare 23, 6.

16. expurgiscere vere. Alluding perhaps to 'expercutus esset' in 39. 2.

18. consilia torpant. The phrase is repeated in 6, 25 'frigere et torpere sensus consilium.'

at tu mea sequere. Compare 28, 9 for 'at tu.' The MSS. have 'mea consilia,' which is evidently tame. Madvig collects a number of instances to prove that the archetype contained repetitions of this kind, arising from explanatory annotations afterwards incorporated in the text.

20. versus Madvig, 'versus' MSS.

22. sopitum fuisse regem. 'Sopitum' is the regular word for 'stunned.' Compare 8. 6, 2 'impactus imo ita est saxo ut sopiretur,' and 42. 15, 10 and 16, 2.

ictu, ferrum haud alte in corpus descendisse, iam ad se redisse; inspectum vulnus abterso cruento, omnia salubria esse. confidere prope diem ipsum eos visuros; interim Servio Tullio iubere populum dicto audientem esse, eum iura redditurum 5 obitumque alia regis munia esse. Servius cum trabea et 6 lictoribus prodit, ac sede regia sedens alia decernit, de aliis consulturum se regem esse simulat. itaque per aliquot dies, cum iam exspirasset Tarquinius, celata morte per speciem alienae fungendae vicis suas opes firmavit. tum demum 10 patrum factum est comploratione in regia orta. Servius praesidio firmo munitus primus iniussu populi voluntate patrum regnavit. Anci liberi iam tum comprehensis sceleris ministris, 7 ut vivere regem et tantas esse opes Servi nuntiatum est, Suessam Pometiam exulatum ierant.

15 XLII. Nec iam publicis magis consiliis Servius quam pri- 1 vatis munire opes, et ne, qualis Anci liberum animus adversus Tarquinium fuerat, talis adversus se Tarquinii liberum esset, 2 duas filias iuvenibus regiis Lucio atque Arrunti Tarquinii iungit. nec rupit tamen fati necessitatem humanis consiliis, 20 quin invidia regni etiam inter domesticos infida omnia atque infesta faceret. peropportune ad praesentis quietem status bellum cum Veientibus — iam enim industiae exierant — ali- 25 isque Etruscis sumptum. in eo bello et virtus et fortuna 3 enituit Tulli; fusoque ingenti hostium exercitu haud dubius

3. confidere . iubere. The subject of confidere is 'se,' that of iubere is 'regem.'

Cp. 4, 25.

5. trabea, 'a coloured toga.' Servius ad Aen. 7. 612, says, 'Tria esse genera trabeorum, unum dis sacramum quod est tantum de purpura. Aliud regum quod est purpureum; habet tamen album aliiquid. Tertium Augurale de purpura et coco mixtum.' This will be the second kind, purple and white. It was worn under the republic by consuls on special occasions, Virg. Aen. 7. 612, and by the 'equites' (Tac. Ann. 3. 2).

10. factum est. W.'s emendation for 'factum et.'

11. voluntate patrum regnavit, 'by the passive acquiescence of the patres.' That this is the meaning appears from the expression in Cic. de Rep. 2. 21 'non iussu sed voluntate atque concessu civium.' It is

opposed to the 'patres fuere auctores' of 32, 1.

12. iam tum comprehensis. One MS. has 'iam tum cum.' By adopting this and omitting 'ut,' as proposed by Kllicks, we get the best sense.

18. iuvenibus regiis. See 46, 4, where Livy doubts whether they are sons or grandsons of Tarquinius Priscus. If they were his sons, these marriages were between uncle and niece, which was illegal till the emperor Claudius gave the precedent. Tac. Ann. 12. 6.

19. nec rupit tamen fati necessita- tem. This is one of Livy's commonplaces. So 8. 24, 4 'ut ferme fugiendo in media fata ruitur.' Compare 25, 16, 4. For the expression compare Virgil's

'Si qua fata aspera rumpas.'

22. industiae exierant. The last men- tion of war with the Veientines was in 33, 9.

rex, seu patrum seu plebis animos periclitaretur, Romam rediit.

4 Adgrediturque inde ad pacis longe maximum opus, ut, quem ad modum Numa divini auctor iuris fuisse, ita Servium conditorem omnis in civitate discriminis ordinumque, quibus inter gradus dignitatis fortunaeque aliquid interlucet, posteri fama 5 ferrent. censem enim instituit, rem saluberrimam tanto futo imperio, ex quo belli pacisque munia non viritim ut ante, sed pro habitu pecuniarum fierent. tum classes centuriasque et hunc ordinem ex censu descripsit vel paci decorum vel 10 bello :

1 XLIII. Ex iis, qui centum milium aeris aut maiorem censem haberent, octoginta confecit centurias, quadragenas seniorum ac iuniorum: prima classis omnes appellati; seniores ad urbis custodiam ut praesto essent, iuvenes ut foris bella 15

Dionysius however describes Tarquin as engaging in war with Etruria and with Veii expressly (3, 57, 58).

I. seu patrum seu plebis. Referring to 'iniusso populi voluntate patrum' above, 41. 6.

3. Adgrediturque inde ad, etc. 'Aggredior' takes 'ad' after it in the best writers when it is used of an undertaking, e. g. 'aggredior ad hanc disputationem', Cic. N. D. 3. 3, 7. On the contrary we say, 'Aggredior hominem' and 'aggredior hostem.' 'Que' seems used here to mark the intimate connection between Servius' undertaking a great reform, which is stated in this sentence, and his feeling secure in the sovereignty, which is stated in the last.

5. ordinumque. The word 'ordo' is generally used of senators or knights, and 23, 23, 4, which W. quotes, is hardly an exception, but in his other reference, Cic. de Rep. 4. 2, it is certainly used of all the distinctions made in the 'comitia centuriata.' 'Quam commode ordines descripti, aetates, classes, equitatus, in quo suffragii sunt etiam senatus.'

quibus . . . aliquid interlucet, 'by which a clear distinction is drawn.' The best parallel to be found to this use of 'interlucet' is in the Auct. ad Her. 3. 19 'Dissimiles forma atque natura loci comparandi sunt, ut distincte interlucere possint,' i. e. that they may not be confused together.

9. habitu pecuniarum. Generally translated, 'the scale of his possessions.' So 10. 46, I 'ut illorum temporum habitus

erat,' according to the scale of those times.' Forc. suggests that it may mean, 'according to his having in money,' in the old English sense of 'having': see Shakespeare—'Your having in beard is a younger brother's revenue.'

classes centuriasque et hunc ordinem, 'classes and centuries and the following distribution of them.'

10. hunc ordinem, not 'the present,' as 43. 12, but 'the following.'

decorum. Cp. Preface, 13. He means that it was at the same time a military organization and a political assembly.

The important chapter which follows should be compared with Hist. Ex. pp. 76-87.

14. prima classis. 'the first call,' *κλῆσις*. This etymology is given by Dionysius 4. 18 ἀς Φωμάῖον καλούσι κλάσεις, τὸς Ἐλληνικὸς κλῆσις παρονούσαντες. It is treated with contempt by Liddell and Scott, s. v. *κλῆσις*, but I do not see on what ground. Lange adopts it, Röm. Alt. 1. 402, and W. The 'Aufgebot' in the Prussian landwehr answers to it. It seems to have been used in early times for an army, whence Virgil's 'Hortinae classes' (Aen. 7. 716), and Fabius Pictor ap. Gell. 1. 11 wrote 'procincta classis' for 'exercitus armatus.' This is probably the solution of Livy's difficulty in 4. 34, 6. The first class was called 'classis' par excellence. So Festus (s. v. *infra*) says, 'Infra classem significantur qui minore summa quam centum et viginti millium aeris censi sunt,' and Gellius 7. 13, 1 'Classici dicebantur non omnes qui

gererent. arma his imperata galea clipeum ocreae lorica, omnia ex aere; haec ut tegumenta corporis essent: tela in hostem hastaque et gladius. additae huic classi duae fabrum 3 centuriae, quae sine armis stipendia facerent; datum munus 5 ut machinas in bello ferrent. secunda classis intra centum 4 usque ad quinque et septuaginta milium censum instituta, et ex iis, senioribus iunioribusque, viginti conscriptae centuriae. arma imperata scutum pro clipeo, et praeter loriam omnia eadem. tertiae classis in quinquaginta milium censum esse 5 10 voluit. totidem centuriae et hae, eodemque discrimine aetatum factae; nec de armis quicquam mutatum, ocreae tantum ademptae. in quarta classe census quinque et viginti milium; totidem centuriae factae; arma mutata, nihil praeter hastam 6 et verutum datum. quinta classis aucta, centuriae triginta 7 15 factae, fundas lapidesque missiles hi secum gerebant. in his accensi, cornicines tubicinesque, in tres centurias distributi. undecim milibus haec classis censebatur. hoc minor census 8 reliquam multitudinem habuit: inde una centuria facta est immunis militia. ita pedestri exercitu ornato distributoque 20 equitum ex primoribus civitatis duodecim scripsit centurias. sex item alias centurias, tribus ab Romulo institutis, sub 9 isdem, quibus inaugurate erant, nominibus fecit. ad equos emendos dena milia aeris ex publico data, et quibus equos

in classibus erant sed primae tantum classis homines.' Hence our words 'classical' and 'the classics.'

1. arma his imperata, 'defensive weapons,' opposed to 'tela' below. See above, 25, 4 'imperata,' because they furnished them themselves.

clipeum, ocreae, lorica. 'Clipeum' is found again in 34. 52, 7 and 35. 41, 10, but 'clipeus' occurs in 9. 19, 7. The first class had a small, round, brazen shield ('clipeum') and a coat of mail ('lorica'); the second, an oblong wooden shield ('scutum') and no coat of mail. The Romans afterwards gave up the 'clipeus.' See 8. 8, 3.

9. tertiae classis in quinquaginta. Mädvig ridicules the attempts that have been made to defend this, and omits 'in' after Rhenanus.

10. totidem centuriae et hae. The MSS. have 'haec,' which W. keeps, holding that Livy uses sometimes 'haec' for 'hae.'

So 3. 55. 13 'haec consulares leges fuere,' and 21. 21, 4 'haec gentes.' Mädvig thinks it doubtful, and prefers to print 'hae.' I have followed him.

15. in his accensi. Discussed in Hist. Ex. p. 83.

21. sex item alias centurias. This should be compared with 36. 8. Translate, 'In the same way he made (not 'scripsit,' because they were already enrolled as horse-soldiers) six other (we should say patrician, but Livy consistently ignores the patrician character of the sex suffragia) centuries, though only three had been formed by Romulus, under the same names (i.e. Ramnes, Titientes, and Luceres, primi and posteriores), under which they were inaugurated (and which, being connected with a religious ceremony, were therefore unalterable).'

22. ad equos emendos. This was the 'aes equestre.'

23. quibus equos alerent. The 'aes

alerent, viduae attributae, quae bina milia aeris in annos singulos penderent. haec omnia in dites a pauperibus inclinata onera.

10 Deinde est honos additus: non enim, ut ab Romulo traditum ceteri servaverant reges, viritim suffragium eadem vi 5 eodemque iure promisce omnibus datum est; sed gradus facti, ut neque exclusus quisquam suffragio videretur, et vis 11 omnis penes primores civitatis esset. equites enim vocabantur primi, octoginta inde primae classis centuriae primum peditum vocabantur; ibi si variaret, quod raro incidebat, ut 10 secundae classis vocarentur, nec fere umquam infra ita de 12 scenderent, ut ad infimos pervenirent. nec mirari oportet hunc ordinem, qui nunc est post expletas quinque et triginta tribus duplikato earum numero centuriis iuniorum seniorumque, ad institutam ab Servio Tullio summam non convenire. 15 13 quadrifariam enim urbe divisa regionibusque et collibus, qui habitabantur, partes eas tribus appellavit, ut ego arbitror a tributo—nam eius quoque aequaliter ex censu conferendi ab

hordearium.' The antecedent to 'quibus' is 'bina millia aeris.' The clause stands somewhat out of its place, that it may answer to 'ad equos emendos.' 'First, for purchase of the horse,' etc., 'secondly, for keep of it,' etc.

2. haec omnia . . onera. Deinde, etc. 'So far of the *burdens* of the rich; next we come to their *privileges*.'

4. ut ab Romulo traditum. This should refer to the 'comitia curiata,' and therefore in strictness asserts not only that every individual had an equal vote in that assembly, but also that it comprised the plebeians as well as the patricians. Livy however does not seem to be thinking of the 'comitia curiata,' nor does he even mention this assembly in speaking of the collective acts of the people before Servius Tullius. It seems that he never asked himself the question what assembly had preceded the 'comitia centuriata.'

7. neque exclusus quisquam, etc., 'to combine universal suffrage with a practically aristocratical government.' But see Hist. Ex. p. 77.

9. primum peditum vocabantur. Madvig brackets these words as spurious. They are commonly explained by taking 'primum' as put for 'primorum,' which Madvig denies to be possible. The words

were omitted by Drakenborch, following Siganus; but Alschefski, Hertz, and W. have restored them. Mommsen also treats them as genuine, Trib. 66.

10. ut secundae classis vocarentur, dependent on 'it was arranged' understood.

11. descenderent. The subject is to be supplied—the superintendents of the election.

13. hunc ordinem, 'the actually existing arrangement.'

post expletas quinque et triginta tribus. This took place 241 B. C., when the Velina and Quirina were added. Livy Periocha 10. The questions arising out of this obscure passage are discussed in Hist. Ex. p. 86.

16. regionibusque et collibus. Madvig reads 'regionibus collibusque qui.' Mommsen Tribus, p. 2 'regionibusque collibusque qui.' Hertz prints, 'regionibus quae (collibus qui) habitabantur partes, eas tribus,' etc. Cp. Hist. Ex. pp. 87-89.

17. ut ego arbitror a tributo. 'Tribus,' 'tribuo,' and 'tributum,' are commonly referred to 'tres,' but if this be the true etymology, it is evident from the present instance that the meaning was afterwards extended. 'Tribus' in usage is 'division.'

18. aequaliter, not 'equally,' but 'at an equal rate.'

eodem inita ratio est;—neque eae tribus ad centuriarum distributionem numerumque quicquam pertinuere.

XLIV. Censu perfecto, quem maturaverat metu legis de 1 incensis latae cum vinculorum minis mortisque, edixit ut omnes 5 cives Romani, equites peditesque, in suis quisque centuriis in campo Martio prima luce adessent. ibi instructum 2 exercitum omnem suovetaurilibus lustravit, idque conditum lustrum appellatum, quia is censendo finis factus est. milia LXXX eo lustro civium censa dicuntur. adicit scriptorum 10 antiquissimis Fabius Pictor eorum, qui arma ferre possent, eum numerum fuisse.

Ad eam multitudinem urbs quoque amplificanda visa est. 3 addit duos colles, Quirinalem Viminalemque; inde deinceps auget Esquiliis, ibique ipse, ut loco dignitas fieret, habitat. 15 aggere et fossis et muro circumdat urbem; ita pomerium profert. pomerium, verbi vim solam intuentes, postmoerium in- 4 terpretantur esse: est autem magis circamoerium, locus, quem in condendis urbibus quondam Etrusci, qua murum ducturi erant, certis circa terminis inaugurato consecrabant, ut neque 20 interiore parte aedifica moenibus continuarentur, quae nunc

1. neque eae tribus. Discussed on Hist. Ex. p. 78.

4. cum vinculorum minis. W. compares Cic. de Off. 3. 2, 80 'edictum cum poena et iudicio.' 'Vinculorum' is 'im-prisonment.' So 'duci in vincula' 5. 9, 4.

7. omnem suovetaurilibus lustravit. The sacrifice was performed at the altar of Mars, from which the Campus Martius took its name. See 40. 45, 8 'Comitiis perfectis, ut traditum antiquitus est, censores in Campo ad aram Martis sellis curulibus conserderunt.' The 'suovetaurilia' seem to belong specially to the cultus of Mars. See 8. 10, 14 'si potiatur, Marti suovetaurilibus piaculum fieri.'

lustravit . . conditum lustrum. On the etymology of 'lustrum' see Corssen Formenlehre 410. The root is 'luere,' λούειν. Hence 'lustrum' is (1) purification, (2) the period of five years between two purifications; 'lustrare' is (1) to purify, (2) since the purification was performed by solemnly carrying the victims round the assembled 'exercitus,' to traverse. Whether 'illustris' and 'Iustra' (e.g. 'ferarum') are to be referred to the same root is disputed. 'Condere,' like 'to close,' has the

notion first of putting away or concealing, next of ending.

12. Ad eam multitudinem. Compare 8, 4.

14. Esquiliis. This name has been connected with 'aesculus.' But the original form is 'Exquiliae.' Huschke's explanation is now generally adopted, viz. that it was the place of those who lived outside, who were not 'inquilini.' 'Esquiliis' is Gronovius' correction, adopted by Madvig. It suits 'inde deinceps' (i. e. 'next in succession') better than precisely the same thing should be asserted of 'Exquiliae,' which has been asserted of the Quirinal and Viminal. Compare 5. 37, 6 'antecedente fama nuntiisque Clusinorum, deinceps inde aliorum populorum.' 'Auget' (i. e. 'urbem') 'Esquiliis' is equivalent to 'addit Esquiliis.'

16. verbi vim solam. 'Vim' is here 'etymology.' So Cic. Tusc. 3. 5, II 'verbi vis ipsa declarat.'

postmoerium . . circamoerium, 'on the further side of the wall—on both sides of the wall.'

19. certis circa terminis. In Tac. Ann. 12. 24 (a passage which should be compared with this) this is explained by

vulgo etiam coniungunt, et extrinsecus puri aliquid ab humano  
5 cultu pateret soli. hoc spatium, quod neque habitari neque  
arari fas erat, non magis quod post murum esset, quam quod  
murus post id, pomerium Romani appellarunt, et in urbis  
incremento semper, quantum moenia processura erant, tantum 5  
termini hi consecrati proferebantur.

1 XLV. Aucta civitate magnitudine urbis, formatis omnibus  
domi et ad belli et ad pacis usus, ne semper armis opes ac-  
quirerentur, consilio augere imperium conatus est, simul et  
aliquod addere urbi decus. iam tum erat inclitum Diana 10  
Ephesiae fanum. id communiter a civitatibus Asiae factum  
2 fama ferebat. eum consensum deosque consociatos laudare  
mire Servius inter proceres Latinorum, cum quibus publice  
privatimque hospitia amicitiasque de industria iunxerat. saepe  
iterando eadem perpulit tandem, ut Romae fanum Diana 15  
3 populi Latini cum populo Romano facerent. ea erat con-  
fessio caput rerum Romam esse, de quo totiens armis certa-  
tum fuerat.

4 Id quamquam omissum iam ex omnium cura Latinorum ob  
rem totiens infeliciter temptatam armis videbatur, uni se ex 20  
Sabinis fors dare visa est privato consilio imperii recuperandi.

'certis spatis interiecti lapides.' 'Circa' is  
'on both sides.'

1. etiam coniungunt, 'they make  
positively to touch.' The phrase occurs in  
10. 10, I and 34, I.

puri . . . ab. This usage is poetical.

7. Aucta civitate magnitudine.  
Madvig suspects 'et magnitudine.'

formatis omnibus domi. 'Omnibus'  
is neuter. Compare 1, 1; 22, 6; and 49, 7.  
We have 'omissis omnibus' in 3. 23, 3.  
Compare 'aliis' in 53, 1, and 'talibus' in  
Virg. Aen. 1. 370. 559.

10. Dianae Ephesiae fanum. That  
the statue in the Servian temple was like that  
in Massilia we learn from Strabo (4. 1, 5),  
καὶ δὴ καὶ τὸ ξύλον τῆς Ἀρτέμιδος τῆς ἐν  
τῷ Ἀβεντίῳ οἱ Ρωμαῖοι τὴν αὐτὴν διά-  
θεσιν ἔχοντες τῷ παρὰ τοῖς Μασσαλιώ-  
ταις ἀνέθεσαν. And that the Artemis of  
Massilia was like that of Ephesus we learn  
from Strabo 4. 1, 4. It was reckoned one  
of the most ancient worshipped images in  
Rome, for the earliest Romans, as we are  
told, had neither temples (but only 'atria,'  
e. g. 'atrium Vestae') nor idols (but only

sacred symbols, as the 'lapis' for Iuppiter,  
the spear for Mars, the fire for Vesta).  
The change seems to have taken place  
through Greek influences. Mommsen thinks  
it not incredible that the Ionian league,  
with its temple of Artemis, did form a  
model to Servius and the Latins. See Hist.  
Ex. p. 47.

13. cum quibus. So 4. 24. 2 and 38.  
9. 2. According to Kühnast, Livy nowhere  
has 'quibuscum.'

15. perpulit, i. e. 'eos.'

Rome fanum Diana. It is to be  
remarked however that the Aventine was  
outside the pomerium. Gellius says (13.  
14). 'quaesitum est . . . quam ob caussam . . .  
neque id Servius Tullius rex, neque Sulla,  
qui proferendi imperii titulum quaequivit,  
neque divus Iulius, cum pomerium pro-  
ferret, inter effatos urbis incluserint.'

16. ea erat confessio. 'Ea' means  
'their doing so.'

21. fors dare visa est. 'Fors' seems  
here equivalent to 'occasio,' and means 'an  
opportunity.' Elsewhere it means 'the  
power of chance.'

bos in Sabinis nata cuidam patri familiae dicitur miranda magnitudine ac specie. fixa per multas aetates cornua in vestibulo templi Diana monumentum ei fuere miraculo. habita, ut erat, res prodigii loco est; et cecinere vates, cuius 5 civitatis eam civis Diana immolasset, ibi fore imperium; idque carmen pervenerat ad antistitem fani Diana, Sabinusque, 6 ut prima apta dies sacrificio visa est, bovem Romam actam dederat ad fanum Diana et ante aram statuit. ibi antistes Romanus, cum eum magnitudo victimae celebrata fama mo- 10 visset, memor responsi Sabinum ita adloquitur: 'quidnam tu hospes paras?' inquit, 'inceste sacrificium Diana facere? quin tu ante vivo perfunderis flumine? infima valle praefluit Tiberis.' religione tactus hospes, qui omnia, ut prodigo re- 7 sponderet eventus, cuperet rite facta, extemplo descendit ad 15 Tiberim. interea Romanus immolat Diana bovem. id mire gratum regi atque civitati fuit.

XLVI. Servius quamquam iam usu haud dubie regnum 1 possederat, tamen, quia interdum iactari voces a iuvene Tarquinio audiebat se iniussu populi regnare, conciliata prius vo- 20 luntate plebis agro capto ex hostibus viritim diviso ausus est ferre ad populum, vellent iuberentne se regnare; tantoque

1. patri familiae, 'man of property.' Livy nowhere has the form 'familias.' Cp. 34. 2, 1 and 8, 22, 4.

3. monumentum ei fuere miraculo. One expects either 'monumento' or 'eius miraculi.'

5. civis... immolasset. The common reading is 'cives immolasset,' but P has 'civis,' from which Madvig has drawn his correction.

6. ad antistitem fani Diana. 'Antistes' is not a technical word, though it is used most commonly of a religious officer. See 23. 11, 5; Cic. Div. 2. 54. I suppose the 'auditius' is here meant, whose business it was to be always on the spot. See Suet. Dom. 1. 'Fanum' is not properly the temple, but the consecrated ground. See 10. 37, 15.

7. bovem Romam actam. It is remarkable that though the statue in this temple was the Greek Artemis, and though Artemis and the Italian Diana were very early confounded, yet the sacrifices in this temple always continued to be different from those offered to Artemis. Hinds were

offered to Artemis; the cow is offered here to Diana. So Plut. Qu. R. raises the question, Διὸ τί τοῖς ἄλλοις Ἀρτεμισίοις ἔπειτας ἐλάφους κέρατα προσπατταλεύονται, τῷ δ' Ἀθενίνα βοῶν;

12. quin tu... perfunderis. 'Quin' is much more peremptory than its literal equivalent, 'Why not?' Translate, 'Go, and bathe yourself.'

13. religione. A scruple or misgiving.

qui... cuperet, 'desiring as he did.'

14. rite facta. On the perfect pass. inf., with 'esse' omitted after 'volo,' 'cupio,' see Madv. Lat. Gr. 396, Obs. 2.

With chaps. xlii-lx. cp. Hist. Ex. pp. 48. 49.

20. viritim diviso, the first agrarian law. For a parallel to this accumulation of ablatives absolute, see 13, 1.

21. vellent iuberentne. In this form the 'ne' is sometimes omitted. See Cic. pro Dom. 17. 44. But we have it in Livy 22. 10 'Rogatus in haec verba populus, Velitis iubatne hoc sic fieri.' I suppose the subjunctive must have been dependent on 'rogo vos, Quirites,' which was under-

consensu, quanto haud quisquam alias ante, rex est declaratus. neque ea res Tarquinio spem adfectandi regni minuit: immo eo impensius, quia de agro plebis aduersa patrum voluntate senserat agi, criminandi Servii apud patres crescendique in curia sibi occasionem datam ratus est, et ipse iuvenis ardoris animi et domi uxore Tullia inquietum animum stimulante. tulit enim et Romana regia sceleris tragicorum exemplum, ut taedio regum maturior veniret libertas, ultimumque regnum esset, quod scelere partum foret. Hic L. Tarquinius — Prisci Tarquinii regis filius neposne fuerit, parum liquet; pluribus tamen auctoribus filium ediderim — fratrem habuerat Arruntem Tarquinium, mitis ingenii iuvenem. his duobus, ut ante dictum est, duae Tulliae regis filiae nupserant, et ipsae longe dispare moribus. forte ita inciderat, ne duo violenta ingenia matrimonio iungerentur, fortuna credo populi Romani, quo diuturnius Servi regnum esset, constitutumque civitatis mores possent. angebatur ferox Tullia nihil materiae in viro neque ad cupiditatem neque ad audaciam esse; tota in alterum aversa Tarquinium eum mirari, eum virum dicere ac regio sanguine ortum; spernere sororem, quod

stood. The 'ne' seems to stand after the second verb, because both verbs together are treated as composing one conception.

2. *adfectandi regni*. 'Affectare' is here 'to make his way to,' not 'to seek.'

3. *aduersa patrum voluntate*, 'in defiance of the opinion of the senate.' So 2. 35, 4 'restiterunt aduersa invidia,' 'they held on in defiance of unpopularity.' So 'aduersa nobilitate' in 6. 42, 9, and 'aduerso movimus ista deo' Ov. Her. 7. 3.

4. *criminandi Servii*. 'Criminari' is generally used, as here, of informal accusations and slander.

7. *sceleris tragicorum*, 'guilt like that of Clytaemnestra or Eteocles.'

11. *pluribus tamen auctoribus* — si filium edam, plures auctores habeam.

*ediderim*, 'should give him out as.' See 18, 2.

14. *forte ita inciderat*. So 26, 23, 2 'forte ita incidit ut comitiis perfectis numeretur.' In both cases, and in others that might be quoted, 'incidit' seems to mark a secondary and subordinate contingency.

ne duo violenta. 'Ne' here is put contrary to rule for 'ut non.' See Madvig's Lat. Gr. § 456. But the rule, as Madvig

states it, is not broken in the passages which W. quotes as parallel to this, viz. 2. 45, 12; 6. 35, 9; 23. 14, 11; and Cic. de Fin. 4. 4, 10. After verbs of *happening* 'ne' is inadmissible; after verbs of *agency*, either 'ne' or 'ut non' may stand. Probably Livy writes 'ne' here because he is mentally personifying the 'fortuna populi Romani.'

17. *ferox Tullia*. This is contrary to the rule that proper names in prose do not take epithets (Madvig, Lat. Gr. § 300. Obs. 4). Compare however Cic. Legg. 2. 15, 39, and Cic. Or. 30. 105. It is not merely 'the high-spirited Tullia,' but 'that one of the two Tullias who was high-spirited.'

nihil materiae. Probably not merely 'material' but 'fuel.' So Cic. pro Dom. 5. 13 'ne in hanc tantam materiem seditionis ista funesta fax adhaeresceret.' The object-clause after 'angebatur' is rare. In 28. 8, 1 we have 'maerebat et angebatur' followed by an object-clause.

20. *regio sanguine ortum*. There is in Latin no single word for 'prince.'

quod virum nacta muliebri cesseret audacia, 'because having a *man* for

virum nacta muliebri cessaret audacia. contrahit celeriter simi- 7  
 litudo eos, ut fere fit malum malo aptissimum; sed initium  
 turbandi omnia a femina ortum est. ea secretis viri alieni  
 adsuefacta sermonibus nullis verborum contumeliis parcere de  
 5 viro ad fratrem, de sorore ad virum; et se rectius viduam et  
 illum caelibem futurum fuisse contendere quam cum inpari  
 iungi, ut elanguescendum aliena ignavia esset. si sibi eum, 8  
 quo digna esset, dii dedissent virum, domi se prope diem  
 visuram regnum fuisse, quod apud patrem videat. celeriter  
 10 adulescentem suae temeritatis implet. Arruns Tarquinius et 9  
 Tullia minor prope continuatis funeribus cum domos vacuas  
 novo matrimonio fecissent, iunguntur nuptiis magis non pro-  
 hibente Servio quam adprobante.

XLVII. Tum vero in dies infestior Tulli senectus, infestius 1  
 15 coepit regnum esse. iam enim ab scelere ad aliud spectare  
 mulier scelus, nec nocte nec interdiu virum conquiescere pati,  
 ne gratuita praeterita parricidia essent: non sibi defuisse, cui  
 nupta diceretur, nec cum quo tacita serviret; defuisse, qui se 2  
 regno dignum putaret, qui meminisset se esse Prisci Tarquini

husband she was not animated by the spirit of a woman.' For the ablative with 'cessare,' see 42. 6, 8, and Lucan 4. 24

'Prima dies bellum cessavit Marte cruento.'

5. viduam, used here simply as the feminine of 'caelebs.'

6. quam cum inpari, etc. The MSS. have 'iungi,' and at the end the best have 'esse,' not 'esset.' Madvig says that 'iungi' for 'iunctos' is not Latin. His reading, 'cum inpari: nunc elanguescendum . . . esse' leaves 'cum inpari' somewhat bald, and is not very close to the MSS.

10. adulescentem. He is called 'iuvensis' in 42. 1, at the beginning of Servius' reign; he is still 'adulescens' at its close, and yet it lasts forty-four years.

suae temeritatis implet, 'infests with her own recklessness.' Compare 4. 30, 9 'urbs deinde impletur,' sc. 'morbo.' And see Tac. Ann. 1. 31. So in Greek, *διαπίμπλημα*.

Arruns Tarquinius. Editors agree that this should be 'Lucius.' W. conjectured, 'ita L.' Hertz inserts between 'Tullia' and 'minor' the words, 'maior haud multo post morbo eodem obiit; L. Tarquinius et Tullia,' evidently having

in view the words of Dionysius: *διελθόντος οὐ πολλοῦ μερὰ τῶντα χρόνου ταῖς αὐτοῖς πάθεσιν ἀποθήσκουσιν ή τε πρεβιντέρα τῶν Τυλλίον θυγατέρων καὶ διενέπερ τῶν Ταρκυνίων*. Madvig represents it as a slip made by Livy himself, and collects a number of similar instances of carelessness in Livy which editors have concealed by emendation, Em. Liv. p. 50. All these critics agree that 'fecissent' and 'iunguntur' must have the same subject, on account of the harshness of the omission of the second subject. But see on 41. 3; 4. 25; 50. 2. To me the proper names placed at the beginning of the sentence seem most naturally to introduce new persons, not the Tarquin and Tullia whose conversations have just been related, but those that died. But Dionysius (4. 28, 27) tells us expressly that the wicked Tullia was the younger. We have to suppose, therefore, either that Livy differs from Dionysius, which is nothing new, or that he has made a slip, not in writing 'Arruns Tarquinius,' but in writing 'Tullia minor.'

17. parricidia. See 13, 3.  
 cui nupta diceretur, 'a nominal husband.'

3 filium, qui habere quam sperare regnum mallet. 'si tu is es,  
cui nuptam esse me arbitror, et virum et regem appello: sin  
minus, eo nunc peius mutata res est, quod istic cum ignavia  
4 est scelus. quin accingeris? non tibi ab Corintho nec ab  
Tarquiniiis, ut patri tuo, peregrina regna moliri necesse est; 5  
di te penates patrique et patris imago et domus regia et in  
domo regale solium et nomen Tarquinium creat vocatque re-  
5 gem. aut si ad haec parum est animi, quid frustraris civi-  
tatem? quid te ut regium iuvenem conspici sinis? facesse  
hinc Tarquinios aut Corinthum, devolvere retro ad stirpem, 10  
6 fratri similior quam patris.' his aliisque increpando iuvenem  
instigat, nec conquiescere ipsa potest, si, cum Tanaquil, per-  
egrina mulier, tantum moliri potuisset animo, ut duo continua  
regna viro ac deinceps genero dedisset, ipsa, regio semine  
orta, nullum momentum in dando adimendoque regno faceret. 15  
7 his muliebribus instinctus furiis Tarquinius circumire et pren-  
sare minorum maxime gentium patres, admonere paterni bene-  
ficii, ac pro eo gratiam repetere: adlicere donis iuvenes; cum  
de se ingentia pollicendo tum regis criminibus omnibus locis  
8 crescere. postremo, ut iam agendae rei tempus visum est, 20  
stipatus agmine armatorum in forum inrupit. inde omnibus  
percursis pavore in regia sede pro curia sedens patres in curiam

3. quod istic cum ignavia est sce-  
lus. 'Istic' = in te. The application of  
local adverbs to persons is characteristic of  
Livy. Cp. 'unde,' 49, 23. The sense is,  
'my first husband had only "ignavia," you  
will have both "ignavia" and "scelus.'"  
'Ignavia' is not merely sloth but sloth and  
cowardice together.

4. non tibi ab Corintho nec ab  
Tarquiniiis, i.e. 'Corinthio nec Tarqui-  
niensi.' This use of 'ab' is not uncommon  
in Livy. See below, 50, 3 'Turnus Herdo-  
nius ab Aricia.' So 2, 22, 2 'obsides dant  
trecentos principum a Cora atque Pometia  
liberos,' and in 6, 17, 7 'simul colonia Cir-  
ceiensibus et a Velitris.'

6. patris imago. The waxen image  
in the 'atrium.' See above, on 34, 12.

8. quid frustraris civitatem?  
'Frustror' here means not 'to disappoint  
hopes,' but 'to excite hopes destined to be  
disappointed.' Compare 2, 15, 5 'Nec Tar-  
quinios spe auxillii . . . frustrabor.'

12. conquiescere ipsa potest, si, etc.  
Compare 40, 2.

14. regio semine orta. See on 46, 20.

15. momentum . . . faceret. Compare  
4, 12, 9 'nullum momentum annonae fe-  
cisset.'

18. adlicere donis iuvenes. Q. Cicero  
(de Petitione Consulatus) speaks more than  
once of the importance of securing the  
influence of the 'adolescentes nobiles'  
(1, 6), particularly the 'centuriae equitum'  
(8, 33). This sketch of Tarquin's canvass  
introduces republican traits, as in the word  
'prensare.'

19. regis criminibus = 'regem crimi-  
nando.' Cp. 46, 2.

omnibus locis must mean 'among all  
ranks.'

22. pro curia sedens. See 30, 2. It  
is not clear why he should have seated him-  
self *before* the 'curia' and then summoned  
the fathers into it. Did he afterwards have  
the 'sella regis' removed into the 'curia' and  
address the fathers from it? Livy leaves  
this obscure. Dionysius is perfectly clear.  
He makes Tarquin *stand* before the 'curia'  
(*πρὸ τοῦ βουλευτηρίου στάς*), and when

per praecomenem ad regem Tarquinium citari iussit, convenere 9 extemplo, alii iam ante ad hoc praeparati, alii metu, ne non venisse fraudi esset, novitate ac miraculo attoniti et iam de Servio actum rati. ibi Tarquinius maledicta ab stirpe ultima 10 5 orsus, servum servaque natum post mortem indignam parentis sui, non interregno, ut antea, inito, non comitiis habitis, non per suffragium populi, non auctoribus patribus, muliebri dono regnum occupasse. ita natum, ita creatum regem, fautorem 11 infimi generis hominum, ex quo ipse sit, odio alienae honestatis 12 10 tatis eruptum primoribus agrum sordidissimo cuique divisisse; omnia onera, quae communia quondam fuerint, inclinasse in primores civitatis; instituisse censem, ut insignis ad invidiam locupletiorum fortuna esset, et parata unde, ubi vellet, egenissimis largiretur.

15 XLVIII. Huic orationi Servius cum intervenisset trepido 1 nuntio excitatus, extemplo a vestibulo curiae magna voce 'quid hoc,' inquit, 'Tarquini, rei est? qua tu audacia me vivo vocare ausus es patres aut in sede considere mea?' cum ille 2 ferociter ad haec: se patris sui tenere sedem, multo quam 20 servum potiorem, filium regis, regni heredem, satis illum diu per licentiam eludentem insultasse dominis; clamor ab utriusque fautoribus oritur, et concursus populi fiebat in curiam, apparebatque regnaturum qui vicisset. tum Tarquinius, ne- 25 cessitate iam etiam ipsa cogente ultima audere, multo et aetate et viribus validior medium arripit Servium, elatumque e curia in inferiorem partem per gradus deiecit; inde ad

the senators assembled, enter it and take his seat on the throne, ἐλθὼν δὲ εἰς τὸ συνέδριον καὶ τὸν Ταρκίνιον ἴδων ἐπὶ τῆς βασιλικῆς καθήμενον ἔδρας. It is possible however that 'pro curia' may have the sense of 'in the senate-house,' as we are told by Festus, 'Pro significat in ut pro rostris, pro aede, pro tribunali.'

4. ab stirpe ultima orsus, 'beginning as far back as his birth.' So Auct. ad Her. 1. 9, 14 'si non ab ultimo initio repetere volemus,' i.e. quite from the beginning.

10. eruptum primoribus, i.e. practically taken from the nobles, because they ought to have enjoyed it alone.

11. onera. Cp. 43. 9. This seems a touch of truth. If the reform of Servius had a military rather than a political object,

it would seem at first a burden laid upon wealth rather than a franchise given to it.

16. vestibulo. That is, the πρόναος or space under the columns in front of the building.

21. per licentiam eludentem, 'playing his reckless game.'

24. iam etiam ipsa. Madvig omits 'etiam,' considering that it has sprung 'e gemitatione litterarum.'

26. in inferiorem partem, that is, 'into the forum below.' See 36, 5. So Dionysius (4. 38) κατὰ τῶν κρηπίδων τοῦ βουλευτηρίου τῶν εἰς τὸ ἐκκλησιαστήριον φερουσῶν.

deiecit is present. See on 41. 2.  
ad cogendum senatum. This is the regular phrase for assembling the senate.

4 cogendum senatum in curiam redit. fit fuga regis apparitorum atque comitum. ipse prope exsanguis [cum semianimis regio comitatu domum se reciperet pervenissetque ad summum Cyprium vicum] ab iis, qui missi ab Tarquinio fugientem 5 secuti erant, interficitur. creditur, quia non abhorret a cetero 5 scelere, admonitu Tulliae id factum. carpento certe, id quod satis constat, in forum invecta nec reverita coetum virorum 6 evocavit virum e curia, regemque prima appellavit. a quo facessere iussa ex tanto tumultu cum se domum reciperet, pervenissetque ad summum Cyprium vicum, ubi Dianum 10 nuper fuit, flectenti carpentum dextra in Urbium clivum, ut in collem Esquiliarum evehheretur, restitit pavidus atque inhibuit frenos is qui iumenta agebat, iacentemque dominae 7 Servium trucidatum ostendit. foedum inhumanumque inde traditur scelus monumentoque locus est: Sceleratum vicum 15 vocant, quo amens agitibus furiis sororis ac viri Tullia per patris corpus carpentum egisse fertur, partemque sanguinis ac

It must mean here to keep them together, to rally them and coerce the disaffected. They are supposed to be in a dispersed and confused state.

1. *redit*, so Madvig, 'redit' the MSS.

2. *exsanguis ab iis*. After 'exsanguis' the MSS. have the words in brackets, of which all, except 'semianimis regio comitatu,' is repeated below (6), where it cannot be spared. The question rises whence these three additional words come? Madvig inserts 'regio comitatu' in 6 after 'cum.' 'Semianimis' might perhaps be a gloss on 'exsanguis.'

6. *admonitu*. 'Suggestion' renders this better than 'admonition.'

8. *evocavit virum*. Dionysius makes her find Tarquin standing on the steps.

10. *Cyprium vicum*. This seems to be opposed to the 'Sceleratus Vicus,' for 'Cyprius' is Sabine for 'good.' So Varro, de L. L. 5, § 159 'Vicus Cyprus a cypro quod ibi Sabini cives additi conserderunt qui a bono omine id appellarent. Nam cyprum Sabino bonum.'

ad summum Cyprium vicum. This expression for the highest part of a street which runs uphill was common in Rome. A particular part of the Sacra Via went by the name of Summa Sacra Via. See Cic. pro Planc. 7, and Becker, Röm. Alt. 239.

We find also 'summa Nova Via' and 'summa Velia.'

Dianum. The Greek termination is here added to a Latin word.

11. in Urbium clivum. It has been conjectured that this name comes from Virbius, who in the Italian mythology was a kind of demigod, worshipped in connection with Diana, identified with the Greek Hippolytus. Virg. Aen. 761; Ov. Met. 15. 544. See Preller, Röm. Myth. 278.

12. Esquiliarum. The MSS. have 'Esquiliarium,' but the adjective is 'Esquiline.' Madvig's correction seems right. We have been told above (44. 3), that Servius lived on the Esquiline. It was believed that Tarquin did so too, but in a different part. Solinus, I. 25 (quoted by Becker), says, 'Servius Tullius Esquiliis supra clivum Urbium.—Tarquinius Superbus et ipse Esquiliis supra clivum Pallium ad Fagutalem lucum.' The topography of the Esquiline is extremely obscure. Readers who wish to know what has been conjectured about the exact position of the places here mentioned are referred to Becker, Röm. Alt. I. 525-8.

15. *Sceleratum vicum*. Some inferior MSS. have 'quem Sceleratum,' etc., upon which Rhenanus remarks curtly, 'quem pronomen asinus aliquis assuit.'

caedis paternae cruento vehiculo contaminata ipsa respersaque tulisse ad penates suos virique sui, quibus iratis malo regni principio similes prope diem exitus sequerentur.—Servius <sup>8</sup> Tullius regnavit annos IIII et XL ita, ut bono etiam mode-<sup>5</sup> ratoque succedenti regi difficilis aemulatio esset. ceterum id quoque ad gloriam accessit, quod cum illo simul iusta ac legitima regna occiderunt. id ipsum tam mite ac tam mode-<sup>9</sup> ratum imperium tamen, quia unius esset, deponere eum in animo habuisse quidam auctores sunt, ni scelus intestinum <sup>10</sup> liberandae patriae consilia agitanti intervenisset.

XLIX. Inde L. Tarquinius regnare occipit, cui Superbo <sup>1</sup> cognomen facta indiderunt, quia sacerum gener sepultura prohibuit, Romulum quoque inseptum perisse dictitans; pri-<sup>2</sup> moresque patrum, quos Servi rebus favisse credebat, interfecit; <sup>15</sup> conscius deinde male quaerendi regni ab se ipso adversus se exemplum capi posse, armatis corpus circumsaepsit. neque <sup>3</sup> enim ad ius regni quicquam praeter vim habebat, ut qui neque populi iussu neque auctoribus patribus regnaret. eo accede-<sup>4</sup> bat, ut in caritate civium nihil spei reponenti metu regnum <sup>20</sup> tutandum esset. quem ut pluribus incuteret, cognitiones capitulum rerum sine consiliis per se solus exercebat, perque eam <sup>5</sup> caussam occidere, in exilium agere, bonis multare poterat non suspectos modo aut invisos, sed unde nihil aliud quam prae-<sup>6</sup> dam sperare posset. praecipue ita patrum numero imminuto <sup>25</sup> statuit nulos in patres legere, quo contemptior paucitate ipsa ordo esset, minusque per se nihil agi indignarentur. hic enim <sup>7</sup> regum primus traditum a prioribus morem de omnibus senatum

11. occipit. See 7, 6.

Superbo. 'Tyrannical' renders this word better than 'proud.'

17. ad ius regni quicquam, 'nothing towards, or to make up, a claim to royalty, nothing *by way of a right*'

ut qui neque. 'ut qui' with the subjunctive is not found in Cicero. We have had it before 27. 10. Kühnast, p. 270, collects other examples.

18. eo accedebat, ut in caritate civium. That is, he could not, like Servius, who also ruled for a long time illegally, fall back upon the affection of his subjects.

21. sine consiliis. The king seems to be supreme judge, and his judgment without appeal. In 26 the king deputes judg-

ment to 'duumviri,' apparently in order to allow an appeal. But a king was thought tyrannical who judged 'sine consiliis,' that is, without hearing the opinions of wise men.

perque eam caussam, 'under this pretence,' i. e. under pretence that he had a right to dispense with 'consilia.' So Ov. Her. 20. 139

'Dumque suo tentat salientem pollice venam,

Candida per caussam brachia saepe tenet.'

26. ordo esset. The expression 'ordo' for the senate belongs to the last age of the republic, and still more characteristically to the imperial time.

27. de omnibus. See on 45, 7.

consulendi solvit, domesticis consiliis rem publicam administravit, bellum pacem foedera societas per se ipse cum <sup>8</sup> quibus voluit iniussu populi ac senatus fecit diremitque. Latinorum sibi maxime gentem conciliabat, ut peregrinis quoque opibus tutior inter cives esset, neque hospitia modo cum <sup>5</sup> primoribus eorum sed adfinitates quoque iungebat. Octavio <sup>9</sup> Mamilio Tusculano — is longe princeps Latini nominis erat, si famae credimus, ab Ulixe deaque Circa oriundus, — ei Mamilio filiam nuptum dat, perque eas nuptias multos sibi cognatos amicosque eius conciliat. <sup>10</sup>

1. L. Iam magna Tarquini auctoritas inter Latinorum proceres erat, cum in diem certam ut ad lucum Ferentinae convenientiā indicit; esse quae agere de rebus communibus velit. <sup>2</sup> conveniunt frequentes prima luce. ipse Tarquinius diem quidem servavit, sed paulo ante quam sol occideret venit. multa <sup>15</sup> <sup>3</sup> ibi toto die in concilio variis iactata sermonibus erant. Turnus Herdonius ab Aricia ferociter in absentem Tarquinium erat invectus: haud mirum esse Superbo inditum Romae cognomen — iam enim ita clam quidem mussitantes volgo tamen

3. iniussu populi ac senatus. The 'populus' is said 'iubere,' but not the senate. This is a zeugma for 'iniussu populi ac sine auctoritate senatus.'

8. ab Ulixe deaque Circe. The effect of the Iliad in transforming the original Italian mythology is seen in the legend of Aeneas. But that legend is only one of many similar legends which accidentally have been less famous. The whole eastern coast of Italy was filled with the supposed settlements of Diomedes, and the western with those of Ulysses. The belief in Ulysses as a coloniser is probably earlier than the belief in Aeneas, as arising more naturally out of Homer. Probably some indigenous Italian god or hero was identified with Ulysses and some goddess with Circe. The goddess was perhaps Marica, for Virg. Aen. 7. 47 makes Latinus a son of Faunus and Marica, while in Hesiod, Theog. 1013, he is said to be a son of Ulysses and Circe. Telegonus, son of Ulysses and Circe, is the mythical founder of Tusculum, and the gens Mamilia professed to be descended from him. On the coins of the Mamillii appears Ulysses as a beggar recognised by the dog.

9. nuptum dat. For the phrase 'nuptum dare,' compare 23. 2, 6; 30. 13. 5: Ter. And. 2. 1, 1: Id. Ad. 3. 2, 48; Id.

Phorm. 4. 5, 8. We have 'nuptum collare' in Caes. B. G. 1. 18. Cp. 'eam' 19. 12, with 'ei Mamilio.'

12. Ferentinae. Preller (Röm. Myth. 383) identifies this goddess with Venus, who had in Oscan the name Herentatis (from which root the Samnite proper names Herius and Herennius may come). We have a Ferentium among the Hernicans, another in Etruria, and a Ferentum in Apulia. See above, on 30. 9.

conveniāt indicit. We should expect either 'indicit diem' or 'indicit conciliū in diem.'

14. diem quidem servavit. Better Latin is 'diem servavit ille quidem.' See Madvig, Lat. Gr. § 489 b.

16. toto die. W. has in his later edition altered 'toto' to 'tota,' because of 'in diem certam' in § 1. Both readings have good authority, but 'dies' is more commonly masculine in the sense of 'day.' The ablative to express duration is rare in the best authors. Madvig, Lat. Gr. § 235. Obs. 3.

17. ab Aricia. Compare 47. 4. According to Dionys. 4. 45, he was from Corioli.

18. Superbo. Supply 'ei.'

19. mussitantes. Compare Virg. Aen. 11. 345 'sed dicere mussant.'

eum appellabant; — an quicquam superbius esse quam ludificari sic omne nomen Latinum? principibus longe a domo <sup>4</sup> excitis ipsum, qui concilium indixerit, non adesse. temptari profecto patientiam, ut, si iugum acceperint, obnoxios premat. <sup>5</sup> cui enim non apparere, adfectare eum imperium in Latinos? <sup>5</sup> quod si sui bene crediderint cives, aut si creditum illud et non raptum parricidio sit, credere et Latinos, quamquam ne sic quidem alienigenae, debere: sin suos eius paeniteat, quippe <sup>6</sup> qui alii super alios trucidant, exulatum eant, bona amittant, <sup>10</sup> quid spei melioris Latinis portendi? si se audiant, domum suam quemque inde abituros neque magis observaturos diem concilii quam ipse, qui indixerit, observet. haec atque alia <sup>7</sup> eodem pertinentia seditiosus facinorosusque homo iisque artibus opes domi nactus cum maxime dissereret, intervenit Tarquinius. <sup>15</sup> is finis orationi fuit. aversi omnes ad Tarquinium <sup>8</sup> salutandum; qui silentio facto monitus a proximis, ut purgaret se, quod id temporis venisset, disceptatorem ait se sumptum inter patrem et filium cura reconciliandi eos in gratiam moratum esse; et quia ea res exemisset illum diem, postero die <sup>20</sup> acturum quae constituisse. ne id quidem ab Turno tulisse <sup>9</sup> tacitum ferunt; dixisse enim nullam breviorem esse cognitionem quam inter patrem et filium, paucisque transigi verbis posse: ni pareat patri, habiturum infortunium esse.

LI. Haec Aricinus in regem Romanum increpans ex <sup>1</sup> con-  
25 cilio abiit. quam rem Tarquinius aliquanto quam videbatur aegrius ferens confestim Turno necem machinatur, ut eundem terrorem, quo civium animos domi oppresserat, Latinis iniceret. et quia pro imperio palam interfici non poterat, oblato falso <sup>2</sup>

I. quicquam superbius. Not 'prouder,' but 'more the act of a tyrant,' because, as he goes on to say, it shows that he means to enslave us.

6. bene crediderint, 'with good results.' Compare 13, 3.

13. seditiosus. Livy imagines him a demagogue like the tribunes of his later books. Adjectives in 'osus' are common in Livy. He is the first to use nivosus, silvulosus, controversiosus, procellosus, strigosus. See a full list in Kühnast, p. 339.

iiisque artibus. Madvig reads 'hisque.'

14. cum maxime, 'at the very moment when.'

20. tulisse tacitum. 'Tacitum' is

here passive, 'not commented upon.' The phrase 'tacitum ferre' occurs in 3. 45, 6 'ut tacitum feras quod celari vis.'

21. dixisse enim. The subject is suddenly changed. In the clause before, 'Turnus' was the agent though not formally the subject. We have an exactly parallel case of the change of subject in 4, 3, and a much harsher one in 41, 5. Op. also 46, 9.

23. infortunium. This is the regular word in Plautus and Terence for the scrapes that slaves may get into. The expression is below the dignity of history (not found in Cicero, Caesar, or Sallust), and is used by Livy to mark the roughness of Turnus' manner.

crimine insontem oppressit. per adversae factionis quosdam Aricinos servum Turni auro corruptit, ut in deversorium eius <sup>3</sup> vim magnam gladiorum inferri clam sineret. ea cum una nocte perfecta essent, Tarquinius paulo ante lucem accitis ad se principibus Latinorum quasi re nova perturbatus, moram suam <sup>5</sup> hesternam, velut deorum quadam providentia inlatam, ait saluti <sup>4</sup> sibi atque illis fuisse. ab Turno dici sibi et primoribus populi-  
lorum parari necem, ut Latinorum solus imperium teneat. adgressurum fuisse hesterno die in concilio; dilatam rem esse, <sup>5</sup> quod auctor concilii afuerit, quem maxime peteret. inde illam <sup>10</sup> absentis insectationem esse natam, quod morando spem desti-  
tuerit. non dubitare, si vera deferantur, quin prima luce, ubi ventum in concilium sit, instructus cum coniuratorum manu <sup>6</sup> armatusque venturus sit. dici gladiorum ingentem esse nu-  
merum ad eum convectum. id vanum necne sit, extemplo <sup>15</sup> sciri posse. rogare eos, ut inde secum ad Turnum veniant. <sup>7</sup> suspectam fecit rem et ingenium Turni ferox et oratio hes-  
terna et mora Tarquini, quod videbatur ob eam differri caedes potuisse. eunt inclinati quidem ad credendum animis, <sup>8</sup> tamen nisi gladiis deprehensis cetera vana existimaturi. ubi <sup>20</sup> est eo ventum, Turnum ex somno excitatum circumsistunt custodes; comprehensisque servis, qui caritate domini vim parabant, cum gladii abditi ex omnibus locis deverticuli pro-  
traherentur, enimvero manifesta res visa, iniectaeque Turno catenae; et confestim Latinorum concilium magno cum tu- <sup>25</sup> <sup>9</sup> multu advocatur. ibi tam atrox invidia orta est gladiis in medio positis, ut indicta causa novo genere leti deiectus ad caput aquae Ferentinae crate superne iniecta saxisque con-  
gestis mergeretur.

1 LII. Revocatis deinde ad concilium Latinis Tarquinius <sup>30</sup>

2. corruptit, ut in. 'Ut' is not in the MSS., but seems indispensable.

9. hesterno die. Put sometimes for 'heri.' Here however it seems used because of the oratio obliqua. It is yesterday, not to Livy, but to Turnus.

10. quem maxime peteret. We expect 'petat' or 'petierit.' This is the only imperfect in the passage. It is not easy to trace, as W. tries to do, any motive for the sudden change of tense.

13. instructus cum. W. comp. 4. <sup>14. 4.</sup>

24. enimvero manifesta, 'only too certain.' 'Enimvero' expresses the irresistible effect of the evidence on their minds. Closely parallel is 5. 25, 6 'Enimvero illud se tacere suam conscientiam non pati,' where we might translate, 'however much he might wish to do so,' or 'sorry as he was to speak.' See Hand Turs. 2. 406.

conlaudatisque, qui Turnum novantem r̄es pro manifesto par-  
ricidio merita poena adfecissent, ita verba fecit: posse quidem 2  
se vetusto iure agere, quod, cum omnes Latini ab Alba ori-  
undi sint, [in] eo foedere teneantur, quo ab Tullo res omnis  
5 Albana cum coloniis suis in Romanum cesserit imperium;  
ceterum se utilitatis id magis omnium caussa censere, ut reno- 3  
vetur id foedus, secundaque potius fortuna populi Romani ut  
participes Latini fruantur, quam urbium excidia vastationesque  
agrorum, quas Anco prius, patre deinde suo regnante perpessi  
10 sint, semper aut expectent aut patientur. haud difficulter 4  
persuasum Latinis, quamquam in eo foedere superior Romana  
res erat. ceterum et capita nominis Latini stare ac sentire  
cum rege videbant, et Turnus sui cuique periculi, si adversatus  
esset, recens erat documentum. ita renovatum foedus, indic- 5  
15 tumque iunioribus Latinorum, ut ex foedere die certa ad  
lucum Ferentinae armati frequentes adessent. qui ubi ad 6  
edictum Romani regis ex omnibus populis convenere, ne  
ducem suum neve secretum imperium propriave signa habe-  
rent, miscuit manipulos ex Latinis Romanisque, ut ex binis  
20 singulos faceret binosque ex singulis; ita geminatis manipulis  
centuriones inposuit.

4. [in] eo foedere. 'Teneri foedere' is the regular expression.

6. id magis omnium. 'Id censere ut' being an unusual expression, and 'id' being repeated immediately after, Ussing marks it as probably spurious.

13. sui cuique. See Madvig, § 490 b.

19. miscuit manipulos. It seems possible to grasp Livy's meaning here without entering into the intricate question of the earliest organization of the legion. In the later time the maniple consisted of two centuries. The maniple, not the century, was always regarded as the unit. (Tac. Ann. I. 34 'discedere in manipulos iubet.') We always read of the standard of the maniple rather than of the century. So Caes. de B. G. 6. 34 'si continere ad signa manipulos vellet'; 6. 40 'se in signa manipulosque coniiciunt', Livy 27. 14 'manipulum eius signi se sequi iussisset.' (Not but that there seems also to have been a standard of the century. Polyb. 6. 24.) Nevertheless the maniple, properly speaking, had no commander; its officers were centurions, each

commanding a half, though probably one had precedence. Livy's object in the present passage seems to be to explain this anomaly. The last words, 'ita geminatis,' etc., may perhaps be paraphrased, 'thus it was that he did not set one commander over the maniple, but only centurions over the two halves of it.' He did it, says Livy, to prevent the Latins from having an officer of their own or a separate command or a standard to themselves, as would be the case, if the Roman and Latin maniples had been kept separate. He made maniples of Romans and Latins together, so that he made one thing where there had been two, i.e. one Romano-Latin maniple instead of a Roman troop and a Latin troop, and at the same time two where there had been one, that is, for a simple maniple a double one consisting of two centuries. It may be said, that the Latins would still have an officer of their own, the centurion, and a separate command of the century. The answer to this is, that the century was regarded as a mere subdivision of the maniple.

1 LIII. Nec, ut iniustus in pace rex, ita dux bellī pravus  
fuit: quin ea arte aequasset superiores reges, ni degeneratum  
2 in aliis huic quoque decori offecisset. is primus Volscis bellum  
in ducentos amplius post suam aetatem annos movit, Sues-  
samque Pometiam ex iis vi cepit. ubi cum divendita praeda 5  
quadraginta talenta argenti refecisset, concepit animo eam  
3 amplitudinem Iovis templi, quae digna deum hominumque  
rege, quae Romano imperio, quae ipsius etiam loci maie-  
state esset. captivam pecuniam in aedificationem eius templi  
seposuit. 10

4 Excepit deinde eum lentius spe bellum, quo Gabios propin-  
quam urbem, neququam vi adortus, cum obsidendi quoque  
urbem spes pulso a moenibus adempta esset, postremo minime  
5 arte Romana, fraude ac dolo, adgressus est. nam cum velut  
posito bello fundamentis templi iaciendis aliisque urbanis ope- 15  
ribus intentum se esse simularet, Sextus filius eius, qui mini-  
mus ex tribus erat, transfugit ex composito Gabios, patris in  
6 se saevitiam intolerabilem conquerens: iam ab alienis in suos  
vertisse superbiam, et liberorum quoque eum frequentiae  
taedere, ut quam in curia solitudinem fecerit, domi quoque 20  
faciat, ne quam stirpem, ne quem heredem regni relinquat.

1. ut iniustus. Ovid has almost the same words,

'Vir iniustus fortis ad arma tamen'

Fasti 2. 688.

2. degeneratum in aliis. The fact that he had degenerated. A construction almost peculiar to Livy. Cp. 'cautum' 4. 16, 4, 'diu non perlitum' 7. 8, 5, 'propter crebrius lapidatum,' 29. 105.

4. in ducentos. A strange expression for a war that was to last more than two hundred years.

Suessamque Pometiam. There is also Suessa Aurunca, and a Suessula in Campania, and an Umbrian town Suasa. Corsen holds that Suessa contains the same suffix 'ent' that appears in Laurentum, Tarentum, etc., and that 'essa' has been formed out of 'entia.' He explains it as the Pig Town, comparing Bovillae, Bovianum, Taurasia, Caprasiae, Aquilonia, which also are formed from the names of animals.

5. ex iis. Madvig for 'ex his.'

6. refecisset. Cp. 35. 1 'quod inde refectum est militi divisum.' For 'diven-

dita,' Madvig reads 'divendenda,' which he elicits out of 'dividenda' in P.

15. templi iaciendis. So Madvig with great probability for 'faciendis.'

19. vertisse superbiam. 'Eum' is omitted, because 'patris saevitiam' in the clause before is felt as 'equivalent to 'patrem saevum esse.' See Madvig, Lat. Gr. § 401. Obs. 2; and cp. below 11 'futurumque credere brevi,' and 2. 31, 11 'magistratu abisse.'

On the stratagem of Sextus, see Hist. Ex. p. 49. We ought however to remember that there is nothing improbable in the story. The most dangerous enemies of every state were its exiles. They were the most trustworthy allies and mercenaries of any hostile state. An exile of rank and reputation, placing himself at the service of his country's enemies, like Hippias, like Coriolanus, would naturally be honoured and trusted in proportion to the wrongs he had to revenge. Nothing therefore is more natural than that the character of such an exile, bent on revenge, should sometimes be treacherously simulated.

se quidem inter tela et gladios patris elapsum nihil usquam 7  
 sibi tutum nisi apud hostes L. Tarquini credidisse. nam ne  
 errarent, manere iis bellum, quod positum simuletur, et per  
 occasionem eum incautos invasurum. quod si apud eos sup- 8  
 5 plicibus locus non sit, pererraturum se omne Latium, Volsco-  
 que [se] inde et Aequos et Hernicos petiturum, donec ad eos  
 perveniat, qui a patrum crudelibus atque impiis suppliciis  
 tegere liberos sciant. forsitan etiam ardoris aliquid ad bellum 9  
 armaque se aduersus superbissimum regem ac ferocissimum  
 10 populum inventurum. cum, si nihil morarentur, infensus ira  
 porro inde abiturus videretur, benigne ab Gabinis excipitur.  
 vetant mirari, si, qualis in cives, qualis in socios, talis ad ulti-  
 11 mum in liberos esset. in se ipsum postremo saevitum, si  
 alia desint. sibi vero gratum adventum eius esse, futurumque 12  
 15 credere brevi, ut illo adiuvante a portis Gabinis sub Romana  
 moenia bellum transferatur.

LIV. Inde in consilia publica adhiberi. ubi cum de aliis 1  
 rebus adsentire se veteribus Gabinis diceret, quibus eae noti-  
 ores essent; ipse identidem belli auctor esse, et in eo sibi  
 20 praecipuam prudentiam adsumere, quod utriusque populi vires  
 nosset, sciretque invisam profecto superbiam regiam civibus  
 esse, quam ferre ne liberi quidem potuissent. ita cum sen- 2  
 sim ad rebellandum primores Gabinorum incitaret, ipse cum  
 promptissimis iuvenum praedatum atque in expeditiones iret,  
 25 et dictis factisque omnibus ad fallendum instructis vana ac-  
 cresceret fides, dux ad ultimum belli legitur. ibi cum insacia  
 multitudine, quid ageretur, proelia parva inter Romam Gabi-  
 osque fierent, quibus plerumque Gabina res superior esset, tum

2. nam ne errarent. 'Nam' refers to 'hostes,' 'for enemies they were.'

6. [se] inde. Madvig follows Gronovius in marking 'se' as spurious.

9. ferocissimum populum. W. tries to give 'ferocissimum,' the bad meaning of 'fierce and violent,' but the usual meaning, 'warlike,' is sufficient. Translate, 'a pitiless tyrant backed by a warlike people.' For 'forsitan' not followed by the subjunctive, cp. Preface, 14.

10. si nihil morarentur, 'if they disregarded him.' So 4. 42, 8 'C. Sempronium nihil moror,' i.e. C. Sempronius is safe for me.

18. adsentire. We have the commoner

form 'adsentior' in 39. 52, 1.

19. esse, et in eo. The MSS. have 'esset in eo.' The emendation is Alschefski's.

21. nosset, sciretque. W. thinks the two words are used here only for variety, but that 'scire' properly expresses deeper and more exact knowledge than 'nosse.' The truth is that 'nosse' does not take an object clause after it, and that is why 'scire' is used here. 'Nosse' is right with 'vires,' but 'scire' with 'invisam superbiam regiam esse.' So French *connaître* and *savoir*, etc.

invisam profecto. 'Profecto' is here equivalent to 'a fortiori.' If his children cannot endure his tyranny the feeling of the citizens *must be* strong.

certatim summi infimique Gabinorum Sex. Tarquinium dono  
deum sibi missum ducem credere. apud milites vero obeundo  
pericula ac labores pariter, praedam munifice largiendo tanta  
caritate esse, ut non pater Tarquinius potentior Romae quam  
4 filius Gabiis esset. itaque postquam satis virium collectum 5  
ad omnes conatus videbat, tum ex suis unum sciscitatum  
Romam ad patrem mittit, quidnam se facere vellet, quando  
5 quidem, ut omnia unus Gabiis posset, ei dii dedissent. huic  
nuntio, quia, credo, dubiae fidei videbatur, nihil voce respon-  
sum est. rex velut deliberabundus in hortum aedium transit 10  
sequenti nuntio filii; ibi inambulans tacitus summa papave-  
6 rum capita dicitur baculo decussisse. interrogando expectan-  
doque responsum nuntius fessus, ut re imperfecta, redit Gabios,  
quae dixerit ipse quaeque viderit, refert: seu ira seu odio seu  
7 superbia insita ingenio nullam eum vocem emisisse. Sexto 15  
ubi, quid vellet parens quidve praeciperet tacitis ambagibus,  
patuit, primores civitatis criminando alias apud populum, alias  
sua ipsos invidia opportunos interemit. multi palam, quidam  
in quibus minus speciosa criminatio erat futura, clam inter-  
8 fecti. patuit quibusdam volentibus fuga, aut in exilium acti 20  
sunt, absentiumque bona iuxta atque interemptorum divisui  
9 fuere. largitiones inde praedaeque; et dulcedine privati com-  
modi sensus malorum publicorum adimi, donec orba consilio  
auxilioque Gabina res regi Romano sine ulla dimicatione in  
manum traditur.

25

2. apud milites vero. 'Vero' con-  
veys that his popularity with the soldiers  
was *far* greater than with the people.  
'The people thought him a heaven-sent  
general, but as for the soldiers!'

8. unus Gabiis. Between these words  
M has *p* and P has *p*, which no one has  
succeeded in explaining. Conjectures are  
'praeter Gabinos' (W.), 'publice Gabiis'  
(Heerwagen), 'ipsis Gabiis' (Rhenanus), etc.  
ei. We expect 'sibi.' Cp. 'ad quem  
eorum' 56. 7, and the list of parallel pas-  
sages in Kühnast, p. 105.

II. sequenti. So M P, contrary to  
Madvig's rule (Lat. Gr. § 42. 3. b, Obs. 2),  
which is that in ablatives absolute the pres.  
part. ends in *e*.

12. baculo decussisse. Dionysius (4.  
56) perceives that this is the same story that  
Herodotus tells of Thrasybulus, and suggests  
that Tarquin was imitating Thrasybulus.

16. quidve praeciperet. Madvig  
corrects 'quidque' unnecessarily.

17. primores civitatis. In particular,  
according to Dionysius (4. 57), a certain  
Antistius Petro. The coins of the Antistii  
show that they considered themselves to  
have come from Gabii. They bear two  
sacrificers, 'capite opero,' and the legend  
'foedus Populi Romani cum Gabinis.'

24. in manum traditur. The treaty  
with Gabii was to be seen in Livy's time in  
the temple of Sancus. Dionysius, unlike  
Dr. Dyer, feels the inconsistency of this  
fact with the story of Gabii having been  
conquered, and says that the Gabines, ex-  
pecting massacre, or at least slavery and  
confiscation, were astonished at Tarquin's  
forbearance, the object of which was to  
secure an alliance to help him against his  
subjects. Livy avoids saying anything about  
the treaty.

LV. Gabiis receptis Tarquinius pacem cum Aequorum 1 gente fecit, foedus cum Tuscis renovavit, inde ad negotia urbana animum convertit; quorum erat primum, ut Iovis templum in monte Tarpeio monumentum regni sui nominisque 5 relinquenter: Tarquinios reges ambos, patrem vovisse, filium perfecisse. et ut libera a ceteris religionibus area esset tota 2 Iovis templique eius, quod inaedificaretur, exaugurare fana sacellaque statuit, quae aliquot ibi a Tatio rege primum in ipso discrimine adversus Romulum pugnae vota, consecrata 10 inaugurataque postea fuerant. inter principia condendi huius 3 operis movisse numen ad indicandam tanti imperii molem traditur deos; nam cum omnium sacellorum exauguraciones admitterent aves, in Termini fano non addixere. idque omen 4 auguriumque ita acceptum est, non motam Termini sedem 15 unumque eum deorum non evocatum sacratis sibi finibus firma stabiliaque cuncta portendere. hoc perpetuitatis auspicio ac 5 cepto secutum aliud magnitudinem imperii portendens prodigium est: caput humanum integra facie aperientibus funda- 20 menta templi dicitur apparuisse, quae visa species haud per 6 ambages arcem eam imperii caputque rerum fore portende- 7 bat; idque ita cecinere vates, quique in urbe erant, quosque ad eam rem consultandam ex Etruria acciverant. augebatur ad impensas regis animus, itaque Pomptinae manubiae, quae

With this chapter comp. Hist. Ex. p. 95.

4. monte Tarpeio. The name of the hill before it was called mons Capitolinus. Dio Cassius (II. 8) says this expressly; κατεῖθεν δ Ταρπῆτος λόφος μετανομάσθη Καπιτωλῖνος.

8. a Tatio. So M and Madvig for 'a T. Tatio.'

11. movisse numen. Cp. Cic. pro Mil. 31. 85 'Religiones ipsae commovisse se videntur.'

12. admitterent... addixere. Technical words of augury. Cp. 36. 6 and Tac. Ann. 2. 14. In 5. 54. 7 Livy adds 'Iuentas' to 'Terminus,' and so does the Periocha to this book.

18. caput humanum. This attempt to explain the word 'Capitolium' was afterwards improved by the addition that the head was that of a King Olus ('caput Oli regis' Serv. Aen. 8. 345). 'Integra facie' is improved into 'newly killed and gory,' emblematic of the bloodshed by which

Rome's supremacy was to be gained, Dio Cassius II. 8. We find in other towns a Capitolium with the three great gods, but in many cases at least the idea seems to have been borrowed from Rome. For example, Tiberius dedicated one at Capua (Suet. Tib. 40). And Narbo is said by

Sid. Ap. to be 'potens salubritate Delubris, capitolii, monetis.' The word is commonly taken to mean 'Arx' or *δερπόλες*. Strabo (5. 3) mentions a Hernican mountain fortress named Καπίτουλον. It is remarkable however that the Capitolium at Rome was different from the 'Arx' so that, for instance, the asylum is said to be between the arx and the Capitolium. Strabo 5. 3, p. 230; Dion. 2. 15; Gell. 5. 12. Cp. Livy 2. 7, 49; 3. 18; 4. 45; 6. 20.

21. quique in urbe erant, quosque, etc. 'Que... que' belongs specially to double relative clauses. See Madvig, Lat. Gr. § 435. Obs. 1, and Kühnast, p. 371.

23. Pomptinae. This is the reading of the MSS. It has been altered to 'Pome-

perducendo ad culmen operi destinatae erant, *vix* in funda-  
8 menta suppeditavere. eo magis Fabio, praeterquam quod  
antiquior est, crediderim quadraginta ea sola talenta fuisse,  
quam Pisoni, qui quadraginta milia pondo argenti seposita in  
9 eam rem scribit, [quia] summam pecuniae neque ex unius 5  
tum urbis praeda sperandam, et nullius ne horum quidem  
magnificentiae operum fundamenta non exsuperaturam.

1 LVI. Intentus perficiendo templo fabris undique ex Etruria  
accitis non pecunia solum ad id publica est usus, sed operis  
etiam ex plebe. qui cum haud parvus et ipse militiae adde- 10  
retur labor, minus tamen plebs gravabatur se templo deum  
2 exaedificare manibus suis, quam postquam et ad alia, ut  
specie minora sic laboris aliquanto maioris, traducebantur  
opera, foros in circu faciendo cloacamque maximam, recepta-  
culum omnium purgamentorum urbis, sub terra agendum; 15  
quibus duobus operibus vix nova haec magnificientia quicquam  
3 adaequare potuit. his laboribus exercita plebe, quia et urbi  
multitudinem, ubi usus non esset, oneri rebatur esse, et colonis  
mittendis occupari latius imperii fines volebat, Signiam Circe-  
iosque colonos misit, praesidia urbi futura terra marique. 20

4 Haec agenti portentum terribile visum: anguis ex columna

tinae' quite unnecessarily. 'Pomtentias' occurs elsewhere. 'Pomptinus' occurs in 2. 34; 4. 25, 4, though not in clear connection with 'Pometia.'

manubiae. The money realised from the sale of plunder, of which a percentage went to the general, and was often devoted by him to the building of a temple. Cp. the temple built at Actium by Augustus, 'sacras Augusti manubias' Tac. Ann. 2. 53.

3. crediderim is, 'I am inclined to trust Fabius when he says—.'

5. [quia] summam. 'Quippe' has been proposed for 'quia,' but with no great probability. Madvig and Hertz, after Gronovius, following F, omit it.

7. magnificentiae. The expression is to be compared with 'nova haec magnificientia' in 56, 2, and with 'opus vel in hac magnificentia urbis conspicendum' in 6. 4, 12. The early years of the Augustan age, when Livy wrote, were a time of great buildings. But in this passage we have to take 'magnificentia operum' as equivalent to 'opus magnificum,' which seems very

questionable Latin. Two corrections have been suggested, 'nullorum ne huius quidem,' etc. (Reitz), and the omission of 'magnificentia' (Ussing).

exsuperaturam. On this hypothetical and adjectival use of the future participle, unknown, except in the case of 'futurus,' to Cicero, Caesar, and Sallust, see Madvig, Lat. Gr. § 424. Obs. 5.

12. quam postquam. Bekker's emendation, received by all the editors. 'quae postquam' MSS.

14. foros in circu faciendo. The very same thing is related of Tarquinius Priscus in 35. The tradition probably assigned these 'fori' only to Tarquinius without distinguishing which. Dionysius 4. 44 speaks of all the works accomplished by Superbus as having been begun by Priscus.

15. sub terra. So Madvig, after P. Others have 'terram.'

2. anguis ex columna. Ov. Fast. 2. 711 makes the snake eat the sacrifice. A similar bad omen is described in 25, 16, and interpreted as betokening danger 'from

ligneal elapsus cum terrorem fugamque in regia fecisset, ipsius regis non tam subito pavore perculit pectus quam anxiis inplevit curis. itaque cum ad publica prodigia Etrusci tantum vates adhiberentur, hoc velut domestico exterritus visu 5 Delphos ad maxime inclitum in terris oraculum mittere statuit. neque responsa sortium ulli alii committere ausus duos 6 filios per ignotas ea tempestate terras, ignotiora maria, in Graeciam misit. Titus et Arruns profecti. comes iis additus 7 L. Iunius Brutus, Tarquinia, sorore regis, natus, iuvenis longe 10 alias ingenio, quam cuius simulationem induerat. is cum primores civitatis in quibus fratrem suum ab avunculo interfectum audisset, neque in animo suo quicquam regi timendum neque in fortuna concupiscendum relinquere statuit, contemptuque 15 tutus esse, ubi in iure parum praesidii esset. ergo ex industria factus ad imitationem stultitiae cum se suaque praedae esse regi sineret, Bruti quoque haud abnuit cognomen, ut sub

secret men and plans.' Yet in Aen. 5. 92 it seems to be considered a good omen. The snake is very prominent in Italian religion. It is the symbol of the Genius, which is a personification of the individual life. For this reason, even in later times, pet snakes were very common in Roman houses. Suet. Tib. 72; Sen. de Ira 2. 315; Martial 7. 87. 7.

3. Etrusci. That is, the 'haruspices.' See above, 55. 6. To illustrate the distinction between a 'publicum' and 'privatum prodigium,' and also the competition for influence at Rome between Etruscan and Greek theology, see 5. 15. According to Dionysius (4. 69), it was a 'publicum prodigium,' a plague, that caused the embassy to Delphi.

6. responsa sortium. The only kind of oracle known in Italy was that by 'sortes.' It was practised at Caere, Praeneste, Falerii, Patavium. The superstition had died out in Cicero's time, except at Praeneste ('ceteris vero in locis sortes plane refixerunt' de Div. 2. 41). The 'sortes' were bits of wood with inscriptions on them ('sortes in robore insculptae priscarum litterarum notis'). The 'sortes Vergilianae' were a later form, but as old as Hadrian, of the same superstition. See Spartan. Hadr. 2. In default of another word to describe the Greek oracle (for 'oraculum' refers to the temple) the Romans use

'sortes.' So Vergil

'Nunc Lyciae sortes nunc et Jove  
missus ab ipso,' etc.,

and Horace

'Sortilegis non discrepuit sententia  
Delphis.'

10. alias ingenio. Madvig reads 'alias ingenii,' comparing 59, 8. He believes that the error arose from the copyists not understanding the old form of the genitive. It was also easy to mistake the genitive 'altus' for a nominative agreeing with 'iuvenis.'

11. interfectum. Madvig reads 'interfectos.' But the attraction seems not unnatural. W. quotes 'omni ornato orationis tanquam veste detracta,' Cic. Brut. 75. 262, and other examples.

15. suaque. According to Dionysius (4. 69) he was robbed of his property, and had barely enough to live upon, and yet made a magnificent present to Apollo. Livy words it more cautiously.

16. Bruti quoque. 'Dull,' 'lumpish,' is usually the meaning of 'brutus.' But Festus (p. 31 Müller) says, 'Brutum antiqui gravem dicebant,' upon which Müller remarks, 'hinc confutatur omnis illa fabula de L. Iunii Bruti stupore.' Lewis answers that 'gravem' here may merely mean 'slogish.' But if so, why should Festus say that the *ancient*s used it so when the *moderns* did the same?

eius obtentu cognominis liberator ille populi Romani animus  
 9 latens opperiretur tempora sua. is tum ab Tarquinii ductus  
 Delphos, ludibrium verius quam comes, aureum baculum in-  
 clusum corneo cavato ad id baculo tulisse donum Apollini  
 10 dicitur, per ambages effigiem ingenii sui. quo postquam 5  
 ventum est, perfectis patris mandatis cupidio incessit animos  
 iuvenum sciscitandi, ad quem eorum regnum Romanum esset  
 venturum. ex infimo specu vocem redditam ferunt: 'impe-  
 11 rium summum Romae habebit qui vestrum primus, o iuvenes,  
 osculum matri tulerit.' Tarquinius Sextus, qui Romae re- 10  
 lictus fuerat, ut ignarus responsi expersque imperii esset, rem  
 summa ope taceri iubent; ipsi inter se, uter prior, cum  
 Romam redissent, matri osculum daret, sorti permittunt.  
 12 Brutus alio ratus spectare Pythicam vocem, velut si prolapsus  
 cecidisset, terram osculo contigit, scilicet quod ea communis 15  
 13 mater omnium mortalium esset. redditum inde Romam, ubi  
 adversus Rutulos bellum summa vi parabatur.

1 LVII. Ardeam Rutuli habebant, gens, ut in ea regione  
 atque in ea aetate, divitiis praepollens, eaque ipsa causa belli  
 fuit, quod rex Romanus cum ipse ditari exhaustus magnifi- 20  
 centia publicorum operum, tum praeda delenire popularium  
 2 animos studebat, praeter aliam superbiam regno infestos etiam  
 quod se in fabrorum ministerio ac servili tam diu habitos  
 3 opere ab rege indignabantur. temptata res est, si primo im-  
 petu capi Ardea posset. ubi id parum processit, obsidione 25

4. corneo cavato. Not 'made of horn,' as Arnold translates (Hist. I, p. 102), but from 'cornus.' Cp. 'venabula cornea' Ov. Her. 4. 83. Dionys. 4. 69, in telling the story, has *εὐλιγηνός*.

5. per ambages effigiem. A symbolic representation.

9. o iuvenes. The 'o' with the simple vocative is poetical. When the vocative has an epithet which is emphatic, 'o' is common in prose. For examples, see Madvig, Lat. Gr. § 236. Obs. I.

10. Tarquinius Sextus. This is the reading of M P. Madvig takes the reading 'Tarquinii ut Sextus,' omitting the 'ut,' before 'ignarus.' In this way 'Tarquinii' is contrasted with 'Brutus' at the beginning of the next sentence, besides that 'iubent' seems to want a subject. But Madvig denies that Livy ever puts the 'praenomen,'

after the 'nomen.' Menenium Agrippam in 2. 32, 8 he admits on the ground of the obsoleteness of Agrippa as a praenomen. But he is not able to show, though he asserts, the corruptness of 'Manlio Chaeo' in 7. 22, 10, nor of 'Cornelium Servium' in 29. 2, 11, and 'Lucretio Spurio' in 30. 1 he allows to pass. In 29. 14, 12 we have 'Claudiae Quintae,' but on the practice of treating the praenomen of women as a cognomen, see Mommsen, Röm. Forsch. p. 33.

19. in ea aetate. On 'in,' with words of time, see Madvig, Lat. Gr. § 276. Obs. 1 and 4. The present phrase may perhaps be compared with 'in tali tempore,' i. e. in such circumstances. Sall. Cat. 48 and Lucr. I. 93. Cp. also 'in illa tempestate' 22. 56. 4, and see Kühnast, p. 180.

23. ministerio. Madvig reads 'ministeris' after P.

munitionibusque coepti premi hostes. in his stativis, ut fit 4  
 longo magis quam acri bello, satis liberi commeatus erant,  
 primoribus tamen magis quam militibus; regii quidem iuvenes 5  
 interdum otium conviviis comisationibusque inter se terebant.  
 5 forte potentibus his apud Sex. Tarquinium, ubi et Collatinus 6  
 cenabat Tarquinius Egerii filius, incidit de uxoribus mentio;  
 suam quisque laudare miris modis. inde certamine accenso 7  
 Collatinus negat verbis opus esse, paucis id quidem horis  
 posse sciri, quantum ceteris praestet Lucretia sua. 'quin, si  
 10 vigor iuventae inest, concendimus equos, invisimusque praes-  
 sentes nostrarum ingenia? id cuique spectatissimum sit, quod  
 necopinato viri adventu occurrit oculis.' incaluerant vino.  
 'age sane!' omnes. citatis equis avolant Romam. quo cum 8  
 primis se intendentibus tenebris pervenissent, pergunt inde  
 15 Collatiam, ubi Lucretiam haudquaquam ut regias nurus, quas 9  
 in convivio luxuque cum aequalibus viderant tempus terentes,  
 sed nocte sera deditam lanae inter lucubrantes ancillas in  
 medio aedium sedentem inveniunt. muliebris certaminis laus 10  
 penes Lucretiam fuit. adveniens vir Tarquinique excepti  
 20 benigne; victor maritus comiter invitat regios iuvenes. ibi

3. primoribus. Not 'officers,' as Dr. Dyer translates, for which there is no word in Latin, but men of high rank.

5. Collatinus cenabat. Emphasis is thrown upon 'Collatinus' by thus separating it from 'Tarquinius,' and putting it first. The freedom of Latin with respect to the order of words appears nowhere more startlingly than in the separation of the names that belong to the same man. Nothing like it appears in modern languages, and as the Greeks did not use double proper names, we are not prepared for it by anything in Greek. (In Homer, where the patronymic is so often given as well as the individual name, it would perhaps be hard to find them separated.) It is however a logical consequence of the principle of depending on the inflection for meaning and using order for emphasis.

II. id cuique spectatissimum sit. Most of the editors and historians pass over this singular expression. I find an attempt at interpretation in Dr. Dyer, who gives, 'There can be no better proof than what shall meet our eyes on so unexpected a call,' and in Freund's school edition, who gives, 'Let that be for each the thing most

noticeable,' i.e. most convincing. Ingersley, in his Dictionary, refers to the passage, and translates 'spectatissimum' 'most trustworthy.' Lemaire simply says it refers to 'ingenium,' without explaining how in that case 'quod occurrit oculis' is to be explained. All these explanations refer 'cuique' to the husbands, which makes 'viri' entirely superfluous and out of place. All too, except the last, put a strain upon the meaning of 'spectatissimum.' Freund's meaning would more naturally be expressed by 'id spectet praecipue quisque;' Ingersley's by 'id maximo sit cuique indicio.' It seems to me that the 'viri' shows that 'cuique' refers to the wives. Nor can I give any meaning but that of 'testing' to 'spectare' here. The expression 'spectatissima foemina' would be just in place: below we have 'spectata castitas.' I believe that Livy has transferred the word from the person to the action, as we have *τά γ' ἔργα μου πεπονθέτ' ἔστι μᾶλλον ή δεδρακότα* for *πεπονθότος, δεδρακότος*. The expression would then be equivalent to 'sit spectatissima quaeque secundum id quod,' etc. It would be loose, but not unnatural, writing.

Sex. Tarquinium mala libido Lucretiae per vim stuprandae  
11 capit; cum forma tum spectata castitas incitat. et tum qui-  
dem ab nocturno iuvenali ludo in castra redeunt.

1 LVIII. Paucis interiectis diebus Sex. Tarquinius inscio  
2 Collatino cum comite uno Collatiam venit. ubi exceptus be-  
5 nigne ab ignaris consilii cum post cenam in hospitale cubi-  
culum deductus esset, amore ardens, postquam satis tuta circa  
sopitique omnes videbantur, stricto gladio ad dormientem  
Lucretiam venit, sinistraque manu mulieris pectore oppresso  
'tace Lucretia' inquit; 'Sex. Tarquinius sum; ferrum in  
8 manu est, moriere, si emiseris vocem.' cum pavida ex somno  
mulier nullam opem, prope mortem imminentem videret, tum  
Tarquinius fateri amorem, orare, miscere precibus minas,  
4 versare in omnes partes muliebrem animum. ubi obstinatam  
videbat et ne mortis quidem metu inclinari, addit ad metum  
15 dedecus: cum mortua iugulatum servum nudum positurum  
5 ait, ut in sordido adulterio necata dicatur. quo terrore cum  
vicisset obstinatam pudicitiam velut victrix libido, profectus-  
que inde Tarquinius ferox expugnato decore muliebri esset,  
Lucretia maesta tanto malo nuntium Romam eundem ad  
20 patrem Ardeamque ad virum mittit, ut cum singulis fidelibus  
amicis veniant: ita facto maturatoque opus esse; rem atro-  
6 cem incidisse. Spurius Lucretius cum P. Valerio Volesi filio,

2. et tum quidem. 'Et . . . quidem' has here the force of *μέν*, that is, it excites expectation, and implies that there is more, and something more important, to tell.

4. Sex. Tarquinius. One would suppose that there would be agreement, if on anything, on the name of the dishonourer of Lucretia. Yet Servius (ad Aen. 8. 646) calls him Arruns, and leaves Sextus entirely out of the story.

7. satis tuta circa, i.e. 'omnia,' which is to be supplied from 'sopitique omnes,' which follows. 'Sopiti,' 'fast asleep.'

14. muliebrem animum. Not merely equivalent to 'mulieris animum.' He applied every motive likely to influence a female heart.'

16. servum nudum. Not '*a slave*,' as Dr. Dyer translates, but '*the slave*,' referring to 'cum comite uno' above. Servius says this slave's name was Aethiops, and he makes Sextus say, 'Nisi cum concubueris Aethiopem tecum interino, tanquam

in adulterio deprehenderim.'

18. *velut victrix*. This cannot possibly be right. Hertz and Weissenborn enclose the words in brackets. Markland proposed 'velut ultrix' with no probability; Madvig reads 'vel vi victrix,' explaining 'libido quae vel sola vi, ne adhibito quidem illo terrore et dedecoris minis, vincebat superiore erat.' Surely this is very pointless. Dr. Liddell writes to me that some single long word seems concealed under 'velut victrix.' If so, it must be 'violatrix,' Cp. 95. It is to be remembered that 'libido' means merely 'a fancy,' not necessarily sensual or vicious, and rather requires a defining adjective. So above, 5. 10 'mala libido.'

23. Volesi filio. We find both 'Volesus' and 'Volusus.' It appears to be related to Valerius as Marcus to Marcius, Quintius to Quintus. We must consider it as a praenomen here. In later times we find it also as a cognomen.

Collatinus cum L. Iunio Bruto venit, cum quo forte Romam rediens ab nuntio uxoris erat conventus. Lucretiam sedentem maestam in cubiculo inveniunt. adventu suorum lacrimae 7 obortae. quaerentique viro 'satin salve?' 'minime' inquit: 5 'quid enim salvi est mulieri amissa pudicitia? vestigia viri alieni, Collatine, in lecto sunt tuo. ceterum corpus est tantum violatum, animus insonis: mors testis erit. sed date dexteras fidemque haud inpune adultero fore. Sex. est Tarquinius, 8 qui hostis pro hospite priore nocte vi armatus mihi sibique, 10 si vos viri estis, pestiferum hinc abstulit gaudium.' dant 9 ordine omnes fidem; consolantur aegram animi avertendo noxam ab coacta in auctorem delicti: mentem peccare non corpus, et unde consilium afuerit, culpam abesse. 'vos' in- 10 quit 'videritis, quid illi debeatur: ego me etsi peccato absolvo, 15 suppicio non libero; nec ulla deinde in pudica Lucretiae ex- emplo vivet.' cultrum, quem sub veste abditum habebat, eum 11 in corde defigit, prolapsaque in volnus moribunda cecidit. 12 conclamat vir paterque.

LIX. Brutus illis luctu occupatis cultrum ex volnere Lucre- 1 20 tiae extractum manantem cruento pre se tenens 'per hunc' inquit 'castissimum ante regiam iniuriam sanguinem iuro, vosque, dii, testes facio, me L. Tarquinium Superbum cum scelerata coniuge et omni liberorum stirpe ferro igni, quacumque denique vi possim, executurum, nec illos nec alium 25 quemquam regnare Romae passurum.' cultrum deinde Col- 2 latino tradit, inde Lucretio ac Valerio, stupentibus miraculo rei, unde novum in Bruti pectore ingenium. ut praeceptum

4. *satin salve.* Livy has the expression in 3. 26, 9; 6. 34, 8; 10. 18, 11. It is commonly explained by supposing a verb such as 'agis,' with which 'salve' stands as an adverb.

9. *hostis pro hospite.* We have had this rhetorical conceit before. See 12, 8.

11. *aegram animi.* Cp. 'incertus animi' above, 7, 6, 'strepentes animi,' 6, 36, 8, and 'incertus sententiae,' 4. 57, 3.

18. *conclamat vir paterque.* Referring to the custom of calling a person loudly by name just after death.

20. *manantem cruento.* The best MSS. have 'manante,' but Hertz and Madvig prefer 'manantem,' rightly, I think. Cp. 27. 23, 3; 28. 11, 4.

24. *denique vi.* 'Denique vi' is Mad-

vig's correction for 'dehinc.' He thinks that 'ue' dropped out owing to the resemblance of the 'ui' that follows, and then that 'deniq' was altered to 'dehinc.' 'Dehinc' appears not to be elsewhere used by Livy, and if used here would stand naturally with 'executurum.'

executurum. 'Exequi' is used in the sense of punishing with an accusative of the offence, but not elsewhere of the criminal. The conjecture of Rhenanus, 'exacturum,' is adopted by Madvig and Hertz.

27. *in Bruti pectore.* This of course sounded more forcible to a Roman than it can to us, to whom Brutus is a mere proper name. 'In the breast of the dullard.'

erat, iurant; totique ab luctu versi in iram Brutum, iam inde  
 3 ad expugnandum regnum vocantem, secuntur ducem. elatum  
 domo Lucretiae corpus in forum deferunt, co<sup>n</sup>scientque mira-  
 culo, ut fit, rei novae atque indignitate homines. pro se quis-  
 4 que scelus regium ac vim queruntur. movet cum patris 5  
 maestitia, tum Brutus castigator lacrimarum atque inertium  
 querellarum auctorque, quod viros, quod Romanos deceret,  
 5 arma capiendi adversus hostilia ausos. ferocissimus quisque  
 iuvenum cum armis voluntarius adest, sequitur et cetera  
 iuventus. inde parte praesidio reicta Collatiae ad portas, 10  
 custodibusque datis, ne quis eum motum regibus nuntiaret,  
 6 ceteri armati duce Bruto Romam profecti. ubi eo ventum  
 est, quacumque incedit armata multitudo, pavorem ac tumultum  
 facit. rursus ubi anteire primores civitatis vident, quid-  
 7 quid sit, haud temere esse rentur. nec minorem motum 15  
 animorum Romae tam atrox res facit, quam Collatiae fecerat.  
 ergo ex omnibus locis urbis in forum curritur. quo simul  
 ventum est, praeco ad tribunum Celerum, in quo tum magis-  
 8 tratu forte Brutus erat, populum advocavit. ibi oratio habita  
 nequaquam eius pectoris ingenique, quod simulatum ad eam 20  
 diem fuerat, de vi ac libidine Sex. Tarquinii, de stupro infando  
 Lucretiae et miserabili caede, de orbitate Tricipitini, cui morte  
 9 filiae causa mortis indignior ac miserabilior esset. addita  
 superbia ipsius regis miseriaeque et labores plebis in fossas  
 cloacasque exhauriendas demersae: Romanos homines, victores 25

3. miraculo . . atque indignitate.  
 For the expression, cp. 47. 9.

10. parte praesidio. M has 'pari praesidio reicta,' which Alschefski explains 'praesidium quantum et tempus et locus postulabant.' P has 'paris,' from which J. F. Gronovius has drawn the suggestion 'inde pars praesidio reicti Collatiae, ad portas custodibus datis.' I have followed Madvig and W., though not satisfied with their reading. Madvig says that 'pari' sprang from 'parti,' the old form of the ablative. But it seems clear that it was the custodes, not the praesidium, that were at the gates. The best sense is given by Gronovius' reading or Heerwagen's 'parte praesidio reicta Collatiae custodibusque datis ad portas.'

14. rursus ubi, i.e. to counteract their fears they had the consideration that the

leading men were in it.

18. tribunum Celerum. The supposed improbability that Brutus, being a dullard, should yet have held this magistracy, would not seem very formidable in a history otherwise well attested. Caligula was mad, and Claudius was 'brutus' in the strictest sense of the word, i.e. not an idiot but slow-witted and inert. Tarquin is represented as devoted to family government, and of such governments the appointment of notoriously unfit men to high office is the most characteristic fault. The 'tribunus celerum' is said to have been commander of the cavalry (Lydus de Mag. I. 14). We have no further information about him except what is implied in this passage, and more explicitly stated in Dionysius 4. 71, that he had the right of summoning the assembly.

omnium circa populorum, opifices ac lapicidas pro bellato-  
ribus factos. indigna Servi Tulli regis memorata caedes et 10  
invecta corpore patris nefando vehiculo filia, invocatique ultores  
parentum dii. his atrocioribusque credo aliis, quae praesens 11  
5 rerum indignitas haudquaquam relatu scriptoribus facilia subi-  
cit, memoratis incensam multitudinem perpulit, ut imperium  
regi abrogaret, exulesque esse iuberet L. Tarquinium cum  
coniuge ac liberis. ipse iunioribus, qui ultro nomina dabant, 12  
lectis armatisque ad concitandum inde adversus regem exer-  
10 citum Ardeam in castra est profectus; imperium in urbe  
Lucretio, praefecto urbis iam ante ab rege instituto, relinquit.  
inter hunc tumultum Tullia domo profugit execrantibus qua- 13  
cumque incedebat invocantibusque parentum furias viris mul-  
eribusque.

15 LX. Harum rerum nuntiis in castra perlatis cum re nova 1  
trepidus rex pergeret Romam ad comprimentos motus, flexit  
viam Brutus — senserat enim adventum, — ne obvius fieret;  
eodemque fere tempore diversis itineribus Brutus Ardeam,  
Tarquinius Romam venerunt. Tarquinio clausae portae exi- 2  
20 liumque indictum; liberatorem urbis laeta castra accepere,  
exactique inde liberi regis. duo patrem secuti sunt, qui ex-  
ulatum Caere in Etruscos ierunt; Sextus Tarquinius Gabios  
tamquam in suum regnum profectus ab ultiis veteranum  
simultatium, quas sibi ipse caedibus rapinisque concierat, est

3. corpore patris. Madvig reads  
'corpori' with some inferior MSS.

4. praesens rerum indignitas. I  
am astonished at Dr. Dyer's interpretation  
of this. He says, 'Livy suppresses some  
part of Brutus' invective against Tarquin-  
ius Superbus, observing that the present  
posture of affairs rendered it difficult for  
writers to insert them;' thus converting the  
words into a venomous insinuation against  
the government of Augustus. Dr. Dyer writes  
as if Livy had a report of Brutus' speech be-  
fore him; whereas, the word 'credo' im-  
plies that he is thinking what Brutus would  
be likely to say. 'Praesens rerum indig-  
nitas' is the keen sense of present injustice  
in Brutus' mind, which, says Livy, suggests  
bitter words that no mere chronicler can  
reproduce.

II. praefecto urbis. According to  
Tac. Ann. 6. II, an officer appointed in the  
absence of the king, 'qui ius redderet  
et subitis mederetur.' The names of

two of these 'praefecti' besides Lucretius  
were preserved by tradition, Denter Ro-  
mulus, and Numa Marcius. The office  
is mentioned again in 3. 3. 6 and 3.  
24. 2.

16. pergeret Romam. 'Pergere' is 'to  
proceed.' It may mean 'to continue a move-  
ment already begun,' but it may also, like  
proceed, be used of the beginning of a  
movement. Frey denies this, but Forcellini  
will sufficiently refute him, and indeed he is  
refuted by the passage which he himself  
quotes (7, 6). Virgil's 'pergit, Pierides'  
(Ecl. 6. 13), which Forc. would translate  
'continue,' is better translated, as Mr. Key  
remarks to me, by 'begin.' It answers to  
Milton's

'Begin, then, sisters of the sacred well.'

23. tamquam in suum regnum.  
Dionysius (4. 58) says that after the cap-  
ture of Gabii, Sextus was made king of it.  
By using 'tamquam' Livy shows that he  
had a somewhat different account.

3 interfectus. L. Tarquinius Superbus regnavit annos quinque et viginti. regnum Romae ab condita urbe ad liberatam  
4 annos ducentos quadraginta quattuor. duo consules inde co-  
mitiis centuriatis a praefecto urbis ex commentariis Servi Tulli  
creati sunt, L. Junius Brutus et L. Tarquinius Collatinus. 5

4. a praefecto urbis. According to Dion. 4. 84, Lucretius was named 'interrex' by Brutus to conduct the elections. The question has been much discussed whether the 'tribunus celerum' and the 'praefectus urbis' had the powers which they are here described as exercising. But these proceedings were avowedly revolutionary. Mommsen says it must be a fiction that a 'tribunus

celerum' brought forward the resolution of deposition, because that officer could not have had such competence, as not even the 'praefectus urbis' had it. According to this, Tarquin must have proposed his own deposition, or it could not have been accomplished. Constitutional laws are not laws of nature.

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